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THE IRISH PROBLEM

AND

HOW TO SOLVE IT.



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THE

IRISH PROBLEM

AND

HOW TO SOLVE IT.

AN HISTORICAL AND CRITICAL REVIEW

OF THE

LEGISLATION AND EVENTS

THAT HAVE LED TO

IRISH DIFFICULTIES,

INCLUDING

SUGGESTIONS FOR PRACTICAL REMEDIES.

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P R E F A C E.

THE following pages are designed to place before the reader a review of the salient features of Irish history from a strictly neutral standpoint, so far as such history bears upon the political complications involved in the relationship of Great Britain and Ireland.

Party predilections, together with national aspirations and prejudices, have for many years been, and still remain, so strong, with reference to the subject, that it may appear almost impossible for any one to be really neutral, however much he may profess or desire to be so. It necessarily arises that the very attempt to preserve neutrality may have compelled the treatment of many points with an apparent indulgence on the one hand or with a severity on the other, that can scarcely escape the charge of partizanship, according to the preconceived notions of various readers.

The only appeal in such a case is to facts. Irish affairs have been subjected to so much comment of late years that there has scarcely been room for facts. Passions and prejudices have too often kept facts out of sight, and the consequence has been that imagination has carried away the judgment.

In appreciation of the nature of these circumstances, we have

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included within our pages more numerous and varied facts of a political nature than have ever before been brought within the like compass in any book relating to Ireland. These facts are derived from undisputed chronicles and official records, and we confidently invite a thorough examination of the bearings of the facts upon the questions at issue.

Broadly speaking, it may be said that English statesmen have long since admitted that the facts disclose a course of government that has been exceedingly oppressive towards Ireland. No one entirely denies this. The most conservative men of all classes admit that there is much to remedy in the government of Ireland, and many influential and leading statesmen have admitted the extreme gravity of Irish grievances and have earnestly endeavoured to remove them by legislation.

The important question to decide and act upon is, whether the legislation that has been accomplished has conferred the advantages upon the Irish people it was professedly designed to confer, and, if not, then to decide what the reasons of the failure have been, and the course future legislation should take in order to achieve the success that has been wanting in the past. With this object in view we refer to the collective facts as a whole, and to the deductions progressively arising out of them.

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THE IRISH PROBLEM.

CHAPTER I.

A CONQUEST AND A COLONY.

IN a book entitled *De Salute Populi*, the author of which, an Irishman, who styled himself "Panderus," lived in the early part of the sixteenth century, it is related that the good St. Brigetta, or Bridget, was told by "her holy angel," that there was a land in the west part of the world where most souls were lost, "for there is most continual war, root of hate and envy, and of vices contrary to charity, and without charity the souls cannot be saved." The opinion of the author of the book was that Ireland was the land that the angel meant, "for there is no land in the world of so continual war ; nor of so great shedding of Christian blood ; nor of so great robbery, spoiling, preying, and burning ; nor of so great wrongful extortion continually, as Ireland."

When these words were written, Ireland had been for more than three centuries nominally subject to the kings of England, the dominant landholders were of English descent, and the common law of England was presumably the law of the Green Island. Mr. Froude, referring to the passage quoted above, says, with apparent justice, "The Pander's satire upon the English enterprise is a heavy one."

Augustin Thierry, the historian of the Norman Conquest of England, traced by the aid of extensive knowledge, and with a strong sympathy, the story of the Norman-English conquest of Ireland. He says, "The conquest of Ireland by the Anglo-Normans is perhaps the only one that, after the first disasters which all conquests necessarily entail, has

not, in the slow and imperceptible progress of events, been succeeded by a gradual amelioration in the social condition of the conquered people. . . . The sad and singular fate which weighs alike upon the old and the new inhabitants of the isle of Erin, has for its cause the vicinity of England, and the influence which its government has continually exercised, since the conquest, over the internal affairs of that country."

Ireland, like England, had struggled bravely, and in the end successfully, against the invasions of the Scandinavian sea-kings, before the Norsemen, the Normans of history, established a sovereignty in England. There was friendship between some of the famous Saxon leaders and the Irish princes. When the sons of the great Earl Godwin unsuccessfully rebelled against Edward the Confessor, Harold, the second son, took refuge in Ireland, with his brother-in-law, Donough, King of Munster, who had married Driella, sister of Harold. This Donough was the son of Brian Boru, the warrior king celebrated in song and history in connection with the defeat of the Danes at Clontarf; and after the death of Malachy, who wore, as Tom Moore reminds us, "the collar of gold," and was the last crowned King of Ireland, Donough assumed the title and claimed to exercise the power of Ard-righ, or King of all Ireland, having, in accordance with a policy not limited to those days, brought about the murder of his brother, Teigue, who had a superior claim.

The island was then divided into five kingdoms, Ulster, Leinster, Meath, Connaught, and Munster. The Ard-righ, or chief monarch, possessed the central district of Meath, and usually resided at a place which has served as the rallying-point of Irish nationality even in our own times—Tara, or the hill of Teamhair, where in the great hall of the palace of King Cormac, the semi-legendary monarch of the fourth century, a hundred and fifty warriors stood in the King's presence when he feasted, and a hundred and fifty cupbearers handed the guests cups of silver and gold; and where, too, birds of marvellous poetic powers played on "the harp which once in Tara's halls its soul of music shed." For twenty years after the death of Malachy, the kingdom of

Meath was governed by two "wise men," Cuan O'Lochlann, a poet, and Corcran Cleiveach, described as an anchorite, probably an ecclesiastic of ascetic life. King Donough of Munster had a formidable rival, as a claimant to the supreme kingship, in Dermot Mac Mael-nambo, King of Leinster, the northern portion of the island. The former was successful; but Turlough O'Brien, the son of the murdered Teigue, avenged his father's death by attacking and defeating Donough, who went on a pilgrimage to Rome to do penance for the fratricide he had committed, and there he died. Nine years afterwards the King of Leinster was killed in battle, and Turlough was recognized as King of Ireland.

Two years after the death of Donough, his brother-in-law, Harold, was defeated at Hastings, and the Norman William was King of England. How the great conquest was achieved and followed up we all know. The Saxons were subdued, Norman soldiers of fortune became powerful barons, castles were erected to overawe the common people, and the land of England was parcelled out among the followers of the powerful William, and his immediate successor on the throne. It is hardly to be supposed that Ireland, so near to England, peopled by a half-savage race, and known to be suffering from internal dissensions, caused by the contests of the petty kings for supremacy, would be overlooked by the ambitious earls and barons, accustomed to win wealth and honours by the sword, or by the English monarch, trained to believe in the right of conquest.

Henry the Second, son of the Empress Maud and Geoffrey of Anjou, and great-grandson of the Conqueror, had been only two years on the throne when he attempted to put into execution a scheme which had probably been long cherished. As a Christian King he felt bound to obtain the sanction of the Pope, as head of Christendom; and Popes, in their political relations, were amenable to reason, especially if arguments were accompanied by other inducements. Pope Adrian IV., Nicholas Breakspeare, an Englishman by birth, attained the tiara in the same year that Henry ascended the English throne, and there had been a great interchange of complimentary messages.

The project for annexing Ireland to England was favoured by the papal conclave as a means of obtaining greater control over the Irish Church. The influence of Rome in ecclesiastical matters had been gradually developing, several of the bishops had professed unreserved obedience; but the clergy generally, and with them the greater portion of the people, animated by a love of national independence, had exhibited a spirit of passive resistance to the extension of papal influence. Eighty years before, an Irish bishop, Patricius, who had been chosen by the clergy and the people, and confirmed in his office by the king of his province and the Ard-righ, or supreme king, had visited England for the purpose of being consecrated at Canterbury, in obedience to a law of the Roman Church, which required that every bishop should receive consecration from an archbishop decorated with the pallium; and following up this demonstration of submission, several Irish bishops accepted the title of pontifical legate in Hibernia.

In 1111, St. Celsus, Archbishop of Armagh, and Maelmure (the servant of Mary), Archbishop of Cashel, fifty bishops, three hundred priests, and three thousand members of religious orders, attended a synod convened in Westmeath, for the purpose of reorganizing ecclesiastical matters, and enforcing discipline among the clergy and laity. The number of the bishops was reduced to twenty-four, and other regulations were agreed to. St. Malachy, who succeeded Celsus as Archbishop of Armagh, had, while Bishop of Down and Connor, made a pilgrimage to Rome, and received from Innocent II. the appointment of apostolical legate, but his request that the Irish archbishops might receive the pallium (the vestment made of the wool of lambs, blessed by the Pope on the festival of St. Agnes, and rendered more sacred by being deposited on the tomb of St. Peter during the eve of his festival), and so be pontifically recognized in their high office, was refused until the pallium was formally asked for by the prelates themselves. In 1148 Malachy convened a great synod, at which, as legate of the Holy See, he presided, and at which it was decided that he should make another attempt to obtain the coveted palliums. Pope

Eugene III. was then visiting the abbey of Clairvaux, in France, where St. Bernard had established the famous order of Bernardine monks. But the Pope had quitted Clairvaux before the arrival of Malachy, who, a few days afterwards, was attacked by mortal sickness, died, and was buried in the abbey. The Pope, however, consented to confer the palliums, and in 1151 sent Cardinal Papirius with them to Ireland, and in the following year they were conferred at the Council of Kells, at which also it was decided that the clergy should be entitled to tithes. The laity probably cared little for the palliums, and, it would seem, objected to the tithes, for they were not enforced until after the conquest by the English.

In 1157, Christianus, Bishop of Lismore, and the Pope's legate held a synod attended by a large number of bishops, and Murtough O'Loughlin, King of Ireland. One of the objects of the meeting was the excommunication of Donough O'Melaghlin, King of Meath, who is described by the historians of the time as being "the common pest of the country." He had obtained possession of the lands of Tiernan O'Ruac, or O'Rourke, Prince of Brefni, who had married his sister, Devorgoil, or Devorgilla, and being on terms of friendship with Diarmid (Dermot) MacMurrough, King of Leinster, a man ready to commit any crime to promote his own interests or pleasures, assisted him in a project, the execution of which was, as we shall see, the immediate cause of the English invasion. The two kings, united in their enmity towards O'Ruac, planned the abduction of Devorgoil (Donough's sister, be it remembered) by MacMurrough; and she, worthy of her relationship, was a willing accomplice, and not only left her husband, but took with her in her flight the cattle which had formed her dowry. She afterwards returned, and passed forty years in religious seclusion, contrition, and penance, devoting her wealth to works of charity, and building churches and convents.

The papal hold on the Irish ecclesiastics was increasing, but as yet the temporal power of the Pope was very imperfectly recognized. The kings were practically pagans, whatever their occasional professions might be, and kings and people alike objected to the interference

in temporal matters of the Pope. They had their own laws, administered by their own Brehons, or judges—laws described by Spenser as “a rule of right unwritten, but delivered by tradition one to another, in which oftentimes there appeared great show of equity in determining the right between party and party, but in many things repugnant quite both to God’s laws and man’s.” These laws, originally framed at the instigation of St. Patrick, and therefore, it may be supposed, not quite “repugnant to the laws of God and man,” for the good saint was a scholar too, helped to preserve a spirit of national independence which the papal conclave and the Irish ecclesiastics perhaps found inconvenient; and as the Papacy has never strongly objected to avail itself of the temporal arm, Adrian was probably the less unwilling to sanction the designs of Henry of England.

The bull asked for was issued; and, after the formal greeting and benediction, proceeds in these terms:—

“Thou hast communicated unto us, our very dear son in Jesus Christ, that thou wouldst enter the island of Hibernia, to subject that land to obedience to laws, to extirpate the seeds of vice, and also to procure the payment there to the blessed apostle Peter of the annual tribute of a penny for each house. Granting to thee thy laudable and pious desire the favour which it merits, we hold it acceptable that, for the extension of the limits of the holy Church, the propagation of the Christian religion, the correction of morals, and the sowing the seeds of virtue, thou make thy entrance into that island, and there execute at thy discretion whatever thou shalt think proper for the honour of God and the salvation of souls.” The bull of course concluded with an exhortation to consider the interests of the Church, and of the religion and morals of the people, and so to order matters generally that “thou shalt become worthy of obtaining in heaven a reward everlasting, and upon earth a name illustrious and glorious in all ages.”

The bull has been described as “a sort of decent envelope for a political compact, entirely similar to that of William the Bastard with Pope Alexander II. for the invasion of England.” Henry was willing

enough to avail himself of it ; but his quarrels with his brother Geoffrey of Anjou, the rivalry of the King of France, and the troubles arising from the murder of A'Becket, for a time hindered the execution of the project. Besides, although it was easy enough to plan an invasion, it was less easy to find an excuse, however bad, for attempting it. The King must depend upon his barons for military aid ; and those powerful personages were not very ready to obey a king or a pope either, unless they saw their way to some advantage for themselves.

The results of the abduction of Devorgoil by Dermot MacMurrough offered an opportunity for English interference. That unprincipled and cruel King of Leinster, familiar with acts of treachery and sacrilege, had made himself odious by such acts as forcibly carrying away the abbess of Kildare, and putting out the eyes of eighteen men of noble rank, and of many others too ignoble, perhaps, for compassion. He treated the unhappy Devergoil with great harshness while she remained with him ; and after he had been compelled to give her up, it is not surprising that an alliance was formed against him, that he was excommunicated by the Church, and driven from his dominions. He sought refuge in England in 1168, hoping to find the King at Bristol, and to ask his assistance in recovering his kingdom. But Henry was in Aquitaine, and thither went Dermot MacMurrough, who contrived to obtain the King's promise of help, on condition that he should pay a vassal's homage to the English crown. Henry himself had no men or money to spare, but he knew that some of the warlike barons at home would be willing to avail themselves of his permission to assist MacMurrough, if they could by doing so advantage themselves. The King wrote a letter to "all his liege men, English, Norman, Welsh, and Scotch, and to all the nations under his dominion." In this document, intended for circulation among the nobles, he said : "As soon as the present letter shall come to your hands, know that Dermot, Prince of Leinster, has been received into the bosom of our grace and benevolence : wherefore, whosoever within the ample extent of our territories, shall be willing to lend aid towards this prince as our faithful and liege subject, let such person

know that we do hereby grant to him for said purpose our licence and favour."

So, for the sake of imposing the tax of Peter's pence, the Pope readily sanctioned the invasion by an English king of a country to which he had not the shadow of a claim ; and with no better excuse than that of restoring a king who had been driven from his dominions as a punishment for his atrocious crimes, Anglo-Norman warriors carried fire and sword into Ireland, and laid the foundation of that political supremacy which for more than seven hundred years has been the fruitful source of war, crime, secret conspiracy, and open rebellion, and an undying animosity of creed and race.

MacMurrough returned to Bristol, the spot where he had landed when he fled from Ireland. There were adventurers and soldiers of fortune, waifs and strays of the sword,—pirates and brigands in reality, though they would have disdained the name,—to be met with, who would readily have taken service under even worse men than MacMurrough, if pay and plunder were assured ; but he desired the aid of influential and practised leaders, who could bring a large body of trained and well-equipped men-at-arms into the field. He knew the men he would have to encounter, and was too shrewd to suppose that he could recover Leinster with the assistance of a small and disorderly rabble of adventurers, any one of whom would be quite ready to desert him, and take arms on the other side, if the other side offered a better prospect of "loot."

More valuable allies were at hand, and to them MacMurrough appealed. Some of the Norman nobles who had been invited to England to take part in the contests between William Rufus and his successor Henry I. and their brother Robert of Normandy, had been rewarded for their services by grants of confiscated estates ; and others were paid by permission to harry the Welsh, and possess themselves of such territory as they could conquer. Foremost among these leaders, distinguished by valour and proficiency in military exercises, was Gislebert, or Gilbert de Clare, younger brother of Richard, Earl of Hertford, and created Earl of Pembroke in 1138. He had under his

command a trained body of soldiery, Normans and Brabançons chiefly (the latter esteemed the best infantry in Europe), but with some of English birth in the ranks. By the last-named he was known as Strongbow, an epithet descriptive of his skill in archery, and by that name his son was also known. Availing himself of the permission to attack the Welsh, he undertook an expedition by sea, and landed on the western coast of Pembroke. The Cambrian people were unable to repel the invaders, and most of them fled to the mountains ; those who attempted resistance were ruthlessly slaughtered. An extensive tract of country was soon taken possession of, and the conquerors shared the towns, houses, and domains among them. Strong forts to secure them against reprisals were erected ; and the Norman and Flemish captains became wealthy landowners. Their descendants were the aristocracy and county gentlemen of Pembrokeshire ; and the English soldiers, who, being fewer in number, obtained fewer of the prizes of conquest, were the ancestors of the small farmers and traders who for centuries after preserved their English habits and language in a district surrounded by Welshmen, and known as " Little England beyond Wales."

Other Norman leaders followed the example of Strongbow, and established themselves by the right of the strong arm in Wales. Irish traders who had visited the Welsh ports were struck with surprise at the sight of the massive armour of the soldiers, and the powerful Flemish horses ; and on their return told wonderful stories of the strength and skill of the warriors they had seen. MacMurrough, who had known them by reputation, now applied to them for aid, addressing himself to the most powerful, the second Strongbow, Richard de Clare, who had in 1149 succeeded his father as Earl of Pembroke. Thierry says of these Norman and Flemish adventurers : " In settling on the domains which they had so recently usurped, these men had not laid aside their old idle and dissipated manners for habits of order and quiet ; they consumed in gaming and debauchery the revenues of their lands, exhausting instead of ameliorating them, counting on fresh expeditions rather than upon domestic economy to repair their fortunes

at some future day. They retained the spirit and the character of soldiers of fortune, ever disposed to try the chances of war abroad, whether on their own account or in the pay of another."

Strongbow (by that name he is better known in history than as the Earl of Pembroke) listened favourably to the proposals of MacMurrough. Others were ready to join in the adventure, among them Robert Fitz-Stephen and Maurice Fitz-Gerald, said to be sons of Necta, a beautiful but frail woman who had been the mistress of Henry I., but afterwards married Gerald, lord of Carew. Maurice Fitz-Gerald was, as the name indicates, her son; the paternity of Fitz-Stephen, judged by the same test, is doubtful. MacMurrough promised these young knights the city of Wexford and two "cantreds" of land, a cantred being equivalent to the English "hundred," or that number of homesteads. Strongbow himself was to succeed MacMurrough as King of Leinster, and to marry his daughter Eva. These inducements were sufficient to procure the hearty co-operation of Strongbow and his friends, who looked forward to those opportunities which conquest offers in addition to the stipulated rewards; and an expedition was at once planned. Knights, esquires, and archers to the number of four hundred, led by Robert Fitz-Stephen, who was accompanied by other able warriors, embarked, and directed their course to the Irish coast. Fitz-Stephen landed at Bannow, near Waterford, in May 1169; and a day afterwards Maurice de Prendergast, with a second and smaller detachment of invaders, disembarked a few miles farther north, near Wexford.

MacMurrough, who had reached Ireland shortly before, and remained in concealment, according to some authorities in the Augustinian monastery at Ferns,—founded by himself, in one of his virtuous or politic moods,—joined his friends with about five hundred followers, whom he had contrived to collect; and the united force laid siege to Wexford, a town founded by the Danes, and included in the kingdom of Leinster. The inhabitants of the town—hardy, seafaring folk—would have resisted, and thrown up entrenchments; but the ecclesiastics of the town advised terms of capitulation, which were agreed to, and by that course the townspeople were probably spared from

massacre, for the Normans and Flemings would no doubt have stormed the town, and mercy to the captured had no place in their military creed.

At first the Irish princes took little notice of the new-comers—"set nothing by the Flemings," say the native annalists; but they soon discovered the importance of the invasion. MacMurrough was in a short time at the head of five thousand men, including his allies, whose mail armour, long lances, crossbows, and powerful horses (protected by armour), were regarded with something like terror by the half-clad and poorly-armed natives. The chronicler, Giraldus Cambrensis (Gerald de Barrè), son of a Norman noble and a Welsh princess, who visited Ireland shortly after the landing of Strongbow—if, indeed, he did not, as some writers on Irish history suppose, accompany the expedition—and whose narrative is the best we possess, tells us that the most formidable weapons of the inhabitants of Erin were small steel axes, long slender javelins, and short and very sharp arrows. The Normans, preserved by their armour from injury by these weapons, closed with the natives; and while the shock of the heavy chargers overturned the small horses of the Irish, they attacked with their heavy lances and their broad swords the men who had no defensive arms but light wooden shields and long tresses of horsehair "glibs," matted and hanging down on each side of the head. In some cases these glibs were formed of the men's own hair, allowed to grow, and forming a mass sufficiently thick to offer resistance to ordinary blows.

Chief after chief submitted, and then the Irish king, Roderic, awoke to the peril of the situation. He summoned the princes to meet at Tara, and collected an army, with which he marched to Dublin. MacMurrough, in some alarm, retreated to Ferns, whither he was followed by Roderic; but jealousies and dissensions occurred among the Irish chiefs, as is usually the case in hastily organized forces, when the supreme authority is weak. The Ulster men returned to their homes; others were half-hearted in the cause; and Roderic, an indolent and unwarlike man, agreed to acknowledge MacMurrough's authority. A private promise was made that the foreign allies should

be dismissed, and no more foreigners brought into the country. It is most likely that the restored King of Leinster had no intention to keep to this arrangement, and it may be taken as certain that Strongbow and his associates would not have acceded to it. They had been brought into the country to please MacMurrough, and they would stay in it to please themselves, whether he liked it or not.

Another contingent under Maurice Fitz-Gerald arrived, and King Dermot (we may give him that title now), thus strengthened, advanced to Dublin, the inhabitants of which, after a brief defence, sued for peace. Donald O'Brien, who had married a daughter of Dermot, having rebelled against Roderic, joined his father-in-law, and soon afterwards Strongbow, for whom the King had been waiting impatiently, arrived. The Earl of Pembroke, who was not in great favour at the English court, had prudently resolved to visit Normandy and ask the permission of Henry II. before starting for Ireland, thinking that the English King might make it the excuse for seizing his estates. The royal reply, we are told, "was so carefully worded that the King could declare afterwards he either had or had not given the permission, whichever version of the interview might eventually prove most convenient to the royal interests." Strongbow thought it his interest to understand that permission had been granted; but did not reach Ireland until several months after Fitz-Stephen. On the eve of his departure, he received a peremptory order from Henry, forbidding him to leave England, but he paid no attention to it. He landed at Dundonnell, near Waterford. His uncle, Hervey de Montmarisco, had preceded him, and had captured seventy of the principal citizens of Waterford, who were cruelly murdered by his followers, who first broke their limbs and then hurled them from a precipice into the sea.

Strongbow lost no time, but on the day after his arrival besieged Waterford. The citizens displayed great bravery; but the assailants made a breach in the walls, poured in, and a frightful massacre ensued. In the midst of the slaughter Dermot arrived; and at his request Strongbow's soldiers suspended the carnage, not because the King was merciful, but because he wished to strengthen the bond between him-

self and his powerful ally, by at once celebrating the marriage between Strongbow and Eva which had been arranged. The ceremony was performed in Waterford the day after the massacre, and the King rode by the side of his daughter through the streets, cumbered with mangled corpses, and the bleeding bodies of men, women, and children, dying of their wounds.

Then the King, his ruthless son-in-law, the bride gained by slaughter, and the blood-stained mercenaries, proceeded northward to return to Dublin. But Roderic had already repented of the treaty he had weakly assented to, and began to realize the importance of the arrival of the English troops on Irish soil. He collected a large army near Clondalkin, about five miles to the south-west of Dublin; and the townsmen, encouraged by his presence, prepared to renew the defence of the city. The energetic English made forced marches over the Wexford hills, and reached Dublin before they were expected. The citizens were struck with panic, and sent their archbishop, a man of eminent piety, afterwards canonized, Laurence O'Toole (or Lorcan O'Tuahal), the first prelate of Dublin of Irish origin, to endeavour to negotiate terms of peace. He repaired to the camp of Dermot, but the English soldiers had no mind to wait the result, but, led by Raymond, known as "le Gros," and Miles de Cogan, forced their way into the city, and another merciless butchery was perpetrated.

King Roderic, fearing an encounter with such formidable foes, retreated to Meath, and united his forces with those of O'Ruac, the husband of Devorgoil. He sent messengers to Dermot, demanding the fulfilment of the agreement, made at Ferns, for the dismissal of the English contingent, and threatening, in the event of the non-compliance of Dermot, to put to death his son Cormac, who had been left as hostage. Dermot valued Strongbow and his allies far more than he did his own son, and, it is said, "laughed at the threat." Roderic was as good as his word, and the young prince was killed at Athlone. The Ard-ri^h Roderic then returned into Connaught, his path being followed for some distance by Strongbow, who burned and plundered as he went.

Re-established as King of Leinster, by the aid of his indomitable mercenaries, Dermot was profuse in his rewards. No doubt liberality was in this case better policy than faithlessness and treachery, to which he was more accustomed, for his allies were quite able and willing to reward themselves. He gave to Fitz-Stephen and Fitz-Gerald the government and all the revenues of the town of Wexford and its suburbs, to Hervey de Monte Marisco two districts on the coast between Wexford and Waterford, and to all the rest possessions proportioned to their rank and military talent. The rumour of these successes attracted other adventurers, who responded to the invitation to take arms under Dermot, and soon there was an influx of "adventurers and vagabonds of Norman, of French, and even of English race." They were warmly received, and presented with lands and money. One of them was, previous to his arrival, so impoverished that he was nicknamed Raymond le Pauvre (the poor). He accepted the designation as his surname, which in course of time was modified into Power, the name of a powerful and wealthy family which exists to the present day, the descendants of the fortune-seeking Richard.

Dermot MacMurrough died miserably of a loathsome malady, at Ferns, in 1171. The native Irish princes had confederated against him, and, formerly denounced for his private crimes, he was afterwards regarded as a national enemy, who had brought a horde of powerful foreigners into the country. The Irish believed that they had incurred Divine wrath, and that the Anglo-Norman invasion had been permitted as a just punishment. They thought to appease the anger of God by liberating all men of English race who had been made slaves in Ireland, after being carried off by pirates or bought for money, and effect was given to the resolution by a council of the chiefs and bishops of the country. Strongbow, immediately after the death of Dermot, proclaimed himself King of Leinster, and found himself face to face with many difficulties. The Irish subjects of the late King deserted him; Dublin was attacked by a Scandinavian fleet, commanded by Hosculf, who had been driven out of the city, and escaped with difficulty, when it was attacked by the Anglo-Norman forces. The Danes were re-

pulsed, their leaders captured, and Hosculf put to death. The Irish princes, exhaled by the ardent and patriotic archbishop O'Toole, united their forces, invited assistance from the Isle of Mán, and so pressed Strongbow that he retreated to Dublin, which was blockaded by his opponents, and the garrison and inhabitants reduced to extremities from want of food. It seemed as if the object aimed at, the submission and expulsion of the foreigners, would be allowed. Strongbow offered to capitulate, if permitted to hold the kingdom of Leinster as the vassal of Roderic ; but the Irish King would accept nothing short of the surrender of Dublin, Wexford, and Waterford, and the immediate departure of the invaders from the country.

Another difficulty was experienced by Strongbow. Henry II. of England saw with feelings of alarm and jealousy that private adventure was likely to achieve a conquest which he had reserved for himself. So long as Dermot lived, the English King had regarded Strongbow and his adherents as mercenaries, whose successes might help further to disorganize Ireland, and so forward his own views. But the adventurers were now masters of the situation. Strongbow was a king, and was every day adding to his strength by inviting desperate soldiers of fortune to the newly conquered country. Were Henry now to invade Ireland, he would probably have to encounter the able warriors who had been his own subjects ; and so critical were his own relations with the powerful and turbulent nobles of England, who despised him for his weakness in connection with the murder of Becket, and his subsequent abject penitence, that he could not hope to be able to equip an army fit to cope with the legions of Strongbow, should he prove defiant. Henry published a proclamation, ordering all his liege men in Ireland to return immediately to England, on pain of the forfeiture of all their lands and chattels, and of perpetual banishment. He forbade any reinforcements to be sent to Ireland, or any ship from any part of the English or Irish dominions to touch on the Irish coast on any pretext whatever.

Strongbow, shut up at the time in Dublin, and opposed by the confederation of the Irish princes, could not defy the English King, but

was resolved not to obey him. He tried conciliation, and sent Raymond le Gros to England with the offer to the King of all the lands he had acquired in Ireland. He probably hoped that this course would save his English estates; but Henry took no notice of the offer. At this juncture, intelligence reached Dublin that Fitz-Stephen was closely besieged in Wexford. A crisis was imminent, and Strongbow resolved to make an attempt to cut through the foes who surrounded him. The attempt was unexpected by the Irish, who fled in disorder, Roderic himself narrowly escaping capture. Before Strongbow could reach Wexford it had capitulated; and when he approached, the town was set fire to, and the inhabitants took refuge in a stockaded island.

Affairs in England had an unfavourable appearance; and Strongbow thought it well, at last, to obey the royal mandate to return. With some difficulty he obtained an interview with the King, and, by the offer of all the lands he had won in Ireland, obtained not only the royal sanction to his proceedings, but security for his own Welsh estates. A royal visit to Ireland was then resolved on, and on the 18th of October, 1171, the King landed at Crook, in the county of Waterford, in company with Strongbow, and many other lords. Four hundred ships carried five hundred knights and four thousand men-at-arms. The Irish princes at first thought the English King was merely making a visit of state, to enforce justice among his own subjects; but they were soon undeceived, finding that Henry's purpose was to claim supreme dominion. Enfeebled by internal dissensions, many of the Irish chiefs were not unwilling at first to accept him as a chief monarch who would exercise a nominal authority similar to that of the native Ard-righs, but not interfere with individual rights. Macarthy of Desmond, Donnell O'Brien, King of Thomond, and other princes, did homage to Henry, and swore fealty. Roderic, the chief monarch, received the English ambassador sent to him with respect; but the northern princes held aloof. Henry held a great court in Dublin; and, representing that he had come to redress grievances (as yet he did not assume the title of King of Ireland), summoned an ecclesiastical synod, at which, however, very little was effected, the ecclesiastics

caring little for his authority, and recognizing the Pope as their head, in temporal as well as spiritual matters. The King held a royal court of justice at Lismore, to arrange for the government of the English colony. The military leaders already in the country, and those who had accompanied the King, had their own views as to the right of the native Irish to their own property, whatever professions it might be politic to make at the time ; and the King gratified them by putting the chief men in positions which they were not likely to fail to improve. Strongbow was appointed Earl Marshal, Hugh de Lacy, one of the new arrivals, Lord Constable and Governor of Bristol, and De Wellesley (a famous name in our own times), royal standard-bearer. De Lacy is generally considered as the first Viceroy of Ireland, and he was installed in the Norman fashion, with the sword and cap of maintenance as the insignia of his dignity. To assist him to support his new position, Henry conferred on him the territory of East Meath, without taking the trouble to ascertain whether the real owner, Tiernan O'Ruac, was willing to part with it. He naturally protested, and De Lacy proposed a conference at the hill of Tara. The parties, each attended by armed men, met ; but a dispute ensued, O'Ruac was killed and mutilated, and his head having been exposed over the gate of Dublin, was afterwards sent as a present to King Henry. Strongbow attacked O'Dempsey, whose estates he wished to possess, at Offaley ; and Raymond le Gros made great acquisitions, not only of land, but of cattle and other spoil.

We cannot, within the limits imposed upon us, relate all the raids made by the English soldiery, who were not always successful, and indeed at the battle of Thurles, in 1174, sustained so serious a reverse that the encouraged native chieftains openly revolted, and the English might have been reduced to extremity, if Raymond le Gros, who had gone to England, had not returned with a strong force, and changed the situation.

Henry now having made his peace with the Holy See, and obtained pardon for his share in the murder of A'Becket, produced the bull he had received more than twenty years before from Pope Adrian,

and summoned a synod of the clergy at Waterford, where the document was read. The successes of the English increased, and Roderic sent to Henry ambassadors who were received at Windsor, at Michaelmas, 1175. The result was a treaty by which Henry was acknowledged as a supreme feudal sovereign, to whom Roderic paid homage; and Henry bound himself to secure the sovereignty of Ireland to Roderic, excepting only Dublin, Meath, Leinster, Waterford, and Dungarvan. Miss Cusack, one of the latest and most careful of Irish historians, says, "Had Ireland been governed with ordinary justice, the arrangement might have been advantageous to both countries. Roderic was still a king, both nominally and *ipso facto*. He had power to judge and depose the petty kings, and they were to pay their tribute to him for the English monarch. Any of the Irish who fled from the territories of the English barons, were to return; but the King of Connaught might compel his own subjects to remain in his own land. Thus the English simply possessed a colony in Ireland; and this colony in a few years became still more limited, while throughout the rest of the country the Irish language, laws, and usage prevailed as they had hitherto done."

The English nobles and military leaders, however, were irrepressible. They laid claim to lands belonging to Irish princes and chiefs, and many sanguinary contests ensued. Henry II., at a council held at Oxford in 1177, solemnly conferred the title of King of Ireland on his youngest son, John, then only eleven years old, and proceeded, in his name, to make new grants of territory to the English. Sir John Davies, Speaker of the first Irish Parliament, and author of "Discovery of the True Reason why Ireland has never been Subdued," tells us that "all Ireland was by Henry II. cantonized among ten of the English nation; and though they did not gain possession of one-third of the kingdom, yet in title they were owners and lords of all, as nothing was left to be granted to the natives."

In 1205 the earldom of Ulster was granted to Hugh de Lacy, and that is the earliest instance of the creation of an Anglo-Norman dignity in Ireland. In the course of the next century there occurred the

remarkable historical phenomenon of a conquering race voluntarily assimilating themselves to the conquered. The English colonists became more and more estranged from their mother-country, more and more Irish in their habits and sympathies, even altering their names so as to get rid of Norman peculiarities. The De Burghs became Bourkes, or Burkes ; the Geraldines of Munster merged their family name in that of Desmond, and a younger branch of the family named themselves M'Shehy. Edmund Spenser, the poet, only in the latter part of the sixteenth century, says, "The MacMahons in the north were anciently English, to wit, descended from the Fitz-Ursulas, which was a noble family in England ; likewise the MacSweenies, now in Ulster, were recently the Veres in England, but they themselves, for hatred of England, so disregard their names." In truth there was very little national feeling among the English colonists. They were descended from adventurers whose estates had been achieved by their swords, and, whether of Norman, French, or Flemish descent, were very much disposed to make a nationality wherever they could find an estate. For English authority they cared little ; and when fresh bands of colonists were sent out, in the hope of correcting this tendency to assimilate with the Irish, the new comers, or at least their children, soon followed the example of their predecessors. Mr. Froude says, "Ireland was a theatre for a universal scramble of selfishness, and the invaders caught the national contagion, and became, as the phrase went, *ipsis Hibernis Hiberniores* (more Irish than the Irish)." The children of English parents were frequently entrusted to Irish foster-mothers ; and the native minstrels, harpers, and chroniclers ingratiated themselves with the English nobles by praising their warlike achievements, and so, says the author of a letter to Thomas Cromwell, included in the State papers, "procuring a talent of Irish disposition and conversation in them."

At the close of the thirteenth century, the English possessions in Ireland consisted of ten counties—Dublin, Louth, Kildare, Waterford, Tipperary, Cork, Limerick, Kerry, Roscommon, and part of Connaught ; and the "Liberties" of Connaught and Ulster ; Meath, Wexford, Carlow, and Kilkenny ; Thomond and Desmond. The powerful

nobles who owned these "liberties" and were paramount in the counties, exercised almost regal authority, created barons and knights, administered their own laws in their own fashion, established courts for criminal and civil cases, appointed their own judges and sheriffs ; and "although they builded castles and made freeholds, yet there were no tenures or services reserved to the crown, but the lords drew all the respect and dependence of the common people unto themselves." They plundered their Irish neighbours, and of course inspired a feeling of open hostility. Districts outside the English possessions were known as "marches," and were occupied by native septs, who made what reprisals they could, and in time acquired a taste for this predatory warfare, as in Scotland the Highland caterans enjoyed harrying the Lowland landholders.

The great families quarrelled desperately among themselves. The historian MacGeoghan, in a note to the "Annals of Clonmacnois," observes that "there reigned more dissensions, strifes, wars, and debates between the Englishmen themselves, in the beginning of the conquest of this kingdom, than between the Irishmen, as by perusing the wars between the Lords of Meath, John Courcy, Earl of Ulster, William Marshal, and the English of Meath and Munster, MacGerald (Fitz-Gerald), the Burke, Butler, and Cogan, may appear." The grandson of Strongbow, Richard Earl of Pembroke, was treacherously killed while attending a conference to which he was invited by Geoffrey de Marisco, who had been appointed Viceroy. As to the Irish princes, all means were considered fair by which they could be ensnared and killed. Thomas de Clare obtained from Edward I. the grant of the territory of Thomond, the fact that it was the property of the O'Briens not being taken into account. De Clare at first professed great friendship, and the too credulous Irishman listened to him ; "they swore to each other all the oaths in Munster, on bells and relics, to be true to each other for ever." Very soon afterwards, De Clare, having got O'Brien into his hands, had him dragged to death between horses. It is gratifying to know that the murderous De Clare did not obtain the coveted kingdom, but was slain by some of the O'Briens. The

O'Connors, chiefs of Offaly, and twenty-four other followers, were massacred by Peter de Bermingham, who had invited them to a banquet.

Titles were assumed by, or conferred on, the powerful nobles : Hugh de Lacy became Earl of Ulster ; Richard de Burgo, Earl of Connaught ; the Fitz-Geralds were Earls of Desmond ; and the Butlers, who derived their name from an ancestor who accompanied Henry I. to Ireland as chief butler, were Earls of Ormond. Strong castles were erected at Dublin, Athlone, Roscommon, and Randoun, for the purpose of keeping down the natives, who were taxed to support the garrisons.

The Irish princes looked to the Bruces of Scotland as their allies and perhaps their deliverers from the oppressions of the English. In 1315, after the Scotch, under Robert Bruce, had achieved such a victory at Bannockburn, Edward Bruce landed in Ireland with a force of six thousand men, and was at once joined by a strong Irish contingent. For a time it seemed that the enterprise would be successful, and Robert Bruce was proclaimed King of Ireland. Desirous to obtain the papal sanction for their proceedings, Donnell O'Neill, King of Ulster, and other princes wrote to the Pope on the part of the nation, explaining why they were anxious to transfer the kingdom to Bruce. They told the Pope he had been deceived by false representations ; spoke of "the sad remains of a kingdom which has groaned so long beneath the tyranny of English kings, of their ministers and barons, some of the latter, although born on the island, exercising the same extortions, rapine, and cruelties as their ancestors inflicted. The people had been obliged to take refuge, like beasts, in the mountains, and even there were not safe. There was only law for the English, none for the Irish ; and any Englishman could, *as often happened*, kill an Irishman of any rank, and seize his property. The Church had been despoiled of its lands and possessions by sacrilegious Englishmen. A few years later Pope John wrote to Edward III. to the effect that the object of Pope Adrian's bull had been entirely neglected, and that the "most unheard-of miseries and persecutions had been inflicted on the Irish."

When Bruce appeared to be gaining ground, the De Lacys actually

took side with him, so little of national feeling did they possess, and so ready were they to secure their own interests by attaching themselves to the winning party. Some of the Irish quarrelled among themselves, in the old fashion, and when one chief marched with his followers to join Bruce, another Irish chief made a raid on his territories. Dublin, in which a large number of Bristol folk had settled, held out so stoutly that Bruce relinquished the attempt to take it; and then came the great battle near Dundalk, in which Edward Bruce was slain. Bermingham, the English commander, obtained the earldom of Louth, and the manor of Ardee, in return for Bruce's head, which was salted and sent to the King, Edward II. John de Lacy, and Sir Robert de Coulragh, who had sided with Bruce, were taken prisoners, and punished by being starved to death in prison. The English barons themselves perpetrated frightful cruelties in their quarrels between themselves and with the Irish. A new Viceroy, Sir Anthony de Lacy, was sent from England, and he hanged Sir William Bermingham and his son in the keep of Dublin Castle; the Earl of Ulster starved to death Walter de Burgo at Innishowen, for which he was stabbed by Sir Richard Mandeville, De Burgo's brother-in-law. The Earl's death was avenged by the slaughter of three hundred of the followers of his murderer. A band of English and Irish attacked MacNamara, a minister, and burnt a church in which were two priests and a hundred and eighty persons, not one of whom escaped. Fitz-Nicholas, an Englishman, killed the heir of the MacCarthy More as he sat on the bench beside the judge at the assize court, Tralee, and no notice was taken of the crime.

We could easily fill pages with records of these enormities, but these instances suffice to show the disorganized condition of the country. In 1360, the third son of Edward III., Lionel, afterwards Duke of Clarence, was appointed Viceroy, and in 1367 he summoned a Parliament at Kilkenny, by which the famous statutes of Kilkenny were enacted, the object being to make the line of demarcation between England and Ireland more distinct, and to prevent the assimilation in manners and customs which, except in the remote mountain districts,

was, as we have shown, so prevalent. The statute made it high treason for an English colonist to intermarry with the Irish, to stand godfather to an Irish child, or to entrust an infant to a native nurse. Any man of English race taking an Irish name, or using the Irish language, apparel, or customs, should forfeit all his lands. The English were not to make war upon the natives without the permission of the Government. The Irish were not to be permitted to pasture on land belonging to the English, nor to be admitted to ecclesiastical benefices or religious houses, nor entertained as minstrels. The clause about making war remained a dead letter, for when the English were disposed to make war there was no authority strong enough to prevent them. At any rate, there was plenty of fighting, as the annals show, between the Irish, as the settlers had begun to call themselves, and "the wild Irish," as they styled the natives. It was necessary also to avoid pressing the clause about the use of the Irish language, for a large number of the colonists could speak no other.

In 1494, the Viceroy, Sir Edward Poyning, a man of considerable ability, who had been sent over by Henry VII., summoned Parliament at Drogheda, at which the famous statute, known in history as Poyning's Law, was enacted. It provided that henceforth no Parliament should be held in Ireland until the chief governor and council had first certified to the King, under the great seal, the reason for its being summoned, and obtained permission to hold it. The general object of the Act was nominally to reduce the people to "whole and perfect obedience," and to abolish "the many damnable customs and uses" practised by the English lords and gentlemen.

The part of Ireland occupied by descendants of the English settlers and the new arrivals was known as the Pale, the word being taken from one of the enactments of Poyning's Parliament, which required all the colonists to "pale in," or enclose, the portion of the country possessed by the English. At this time, the English Pale, which at one time had comprised the "four shires," Dublin, Kildare, Meath, and Louth, had been greatly diminished, and formed a narrow strip about fifty miles long and twenty broad, and that was the only part in

any sense English ; for beyond it the common law of England had on authority, the King's writ was not respected, and the country was divided among independent chiefs, who levied tribute on the inhabitants of the Pale as payment for a nominal protection of their rights, and as a compensation for abstaining from the plunder of their farms. Their law was "strength and the Brehon traditions" (the old native law). As for the great ennobled families, they were not in the Pale, and were a law to themselves.

CHAPTER II.

FROM THE TUDORS TO THE UNION.

WHEN Henry VIII. came to the throne, in 1509, he appears to have been honestly desirous to ameliorate the condition of Ireland. When a boy he had been appointed Viceroy of Ireland, with the Earl of Kildare for his deputy—the same audacious nobleman who had been summoned to England by Henry VII. to answer a charge of high treason, having encouraged the pretender, Perkin Warbeck, but so ingratiated himself with the King that he was married to a rich wife and sent back practically to rule Ireland—and in 1515 an elaborate report on the state of Ireland was prepared by royal command. The document has been recently published in the “State Papers.” The author of the paper says, “There be sixty regions in Ireland, inhabited with the King’s Irish enemies, some regions as big as a shire, some more, some less, where reigneth more than sixty chief captains, whereof some calleth themselves kings, some king’s peers, in their language, some princes, some dukes, that liveth only by the sword, and obeyeth to no other temporal person, save only to him that is strong. And every one of the said captains maketh war and peace for himself, and holdeth by the sword, and hath imperial jurisdiction, and obeyeth no other person, English or Irish, except only such persons as may subdue him by the sword. Also in every of the said regions there be divers petty captains, and every of them maketh war and peace for himself, without licence of the chief captain. And there be more than thirty of the English noble folk that follow the same Irish order and keepeth the same rule.”

The condition of the poor native Irish, ruled by so many masters,

perpetually quarrelling and fighting among themselves, or with the English colonists, is described by the writer of the State paper—an Englishman, be it remembered. Labour was treated as disgraceful; the strongest and fiercest of the peasant class were picked out by the chiefs and trained to fight, and the weaker men were driven to the fields like beasts of burden, wretchedly fed and few in number, “supposed to be the most wretched specimens of human nature which could be found upon the globe.” The author of the State paper of 1515 asks, “What common folk in all the world is so poor, so feeble, so evil beseen in town and field, so bestial, so greatly oppressed and trodden under foot, fares so evil, with so great misery, and with so wretched life, as the common folk of Ireland? What pity is here, what ruth is to report, there is no tongue that can tell, no person that can write. It passeth far the orators and muses all to show the order of the nobles, and how cruel they entreateth the poor common people. What danger it is to the King against God to suffer his land, whereof he bears the charge and the cure temporal, to be in the said misorder so long without remedy. It were more honour to surrender his claim thereto, and to make no longer prosecution thereof, than to suffer his poor subjects always to be so oppressed, and all the nobles of the land to be at war within themselves, always shedding of Christian blood without remedy. The herd must render account for his fold, and the King for his.”

This was bold speaking, but perhaps none the less on that account acceptable to the clear-headed and energetic young King, who seems to have thought that the Irish problem, as perplexing then as now, might be solved by wise government and the exercise of justice. He was not, probably, of opinion that the animosity and opposition of the Irish chiefs was absolutely insurmountable, although the writer of the report had arrived at the conclusion, “If the King were as wise as Solomon the Sage, he should never subdue the wild Irish to his obedience without dread of the sword and of the might and strength of his power. As long as they may resist and save their lives, they will not obey the King.”

The Earl of Kildare, and his son who succeeded him in the office of Deputy, as the representative of royalty in Ireland was then named, cared little for the well-being of the country, so long as they could add to their own wealth and influence ; and in 1520, the King deprived the Earl of his office, and sent a very able man, the Earl of Surrey, to succeed him. He had direction to invite the Irish chiefs to meet him, to hear their statement of grievances, and to "declare unto them the great decay, ruin, and desolation of that commodious and fertile land, for lack of politic governance and good justice, which can never be brought in order unless the unbridled sensualities of insolent folk be brought under the rule of the laws. For realms without justice be but tyrannies and robberies, more consonant to beastly appetites than to the laudable life of reasonable creatures." If the laws were too rigorous, they should be moderated, and the Earl was to impress on the chiefs the necessity of conforming to them. But the Earl of Kildare had been beforehand, for he had addressed letters to O'Carroll (and perhaps some other Irish chiefs), inflaming him against English rule, and desiring him "when any English deputy shall come thither, do your best to make war upon Englishmen there." The Irish chiefs were not willing to come to the Earl in peace, but quite ready to come in war. O'Neile, O'Carroll, O'Connor, O'Brien, and others, broke out into simultaneous rebellion ; and Surrey wrote urgently to the King, telling him that if Ireland was to be subdued, it must be in the way in which Wales was conquered, by the sword, and that afterwards it must be kept in order by the erection of strong castles in all parts of Ireland. The King was not then in a position to undertake a costly and perilous expedition ; and Surrey, left to his own resources, gained a few small successes, and then asked for and obtained his recall, leaving the country to the mercy of Kildare, who had fascinated Henry VIII., as his father had fascinated Henry VII., had, like his father, been helped to a wealthy wife, and, like his father, been sent back to Ireland to govern as he chose. It was characteristic of the man that he at once prepared for revolt against the English Crown.

One of the sources of evil in Ireland clearly perceived by Henry VIII.,

and which has been active ever since his time, was "absenteeism." In England, and in the chief countries of the Continent, the feudal system bound the noble to the lands which he possessed; but in Ireland the descendants of the first invaders regarded their inheritance as a possession the management of which they might depute to agents, receiving the revenues and spending them out of the country. The peasantry on such estates, oppressed by middlemen, were willing to accept the protection of the chiefs of the old race. In some cases the land had descended to heiresses, who married into English families; and in other cases estates had been forfeited to the English Crown and granted to favourites. By an Absentee Act passed in 1536, the receiving of rents by absentees was treated as a crime, and English nobles, who either by marriage or descent had become possessed of estates on which they were unable to reside, were expected to grant such estates to other persons, able and willing to reside on them. The Act recited that "the King's land of Ireland hath principally grown into ruin, dissolution, rebellion, and decay," by reason of absenteeism; and the King, with the consent of Parliament, pronounced forfeited the estates of all absentee proprietors, and "their right and title gone."

When Henry VIII. had effected the Reformation in this country, he saw no reason why the Irish Church should not be as Protestant as the English. The Irish ecclesiastics, however, and the Irish people too—both the Anglo-Irish and the "wild Irish"—had their own opinions on the matter. Dr. Browne, a convert to Protestantism, formerly an Augustinian friar, was appointed Archbishop of Dublin, and made known the contents of a letter sent to him by Thomas Cromwell, in the King's name. This official document announced "the royal will and pleasure of his Majesty, that his subjects in Ireland, even as those in England, should obey his commands in spiritual matters as in temporal, and renounce their allegiance to the see of Rome." But Dr. Browne soon found, to use his own phrase, that "the common people of this isle are more zealous in their blindness than the saints and martyrs were in truth." The Archbishop of Armagh was a for-

midable opponent, "laying a curse on the people whosoever should own his Highness's supremacy, saying that the isle—as it is in the Irish chronicles, *insula sacra*—belongs to none but the Bishop of Rome, and that it was the Bishop of Rome who gave it to the King's ancestors."

A Parliament was summoned in 1536, and several bills were introduced. One declared the King to be supreme head of the Church in Ireland; another prohibited appeals to Rome; another ordered first-fruits and twentieth parts to be paid to the King; and another abolished the authority of the Pope. To the Parliament, however, the ecclesiastics were entitled to send proctors, and these proctors so vehemently opposed the propositions that the bills could never have become Acts if a ready expedient had not been discovered, and that was not allowing the proctors to vote. So, as far as Parliament could do it, the King was supreme, and the Anglo-Irish nobles and gentlemen—or many of them—made no objection to the supremacy, for they scented, not very far off, a confiscation of Church property. Very soon the Church lands were sold to the highest bidder, or bestowed as a reward on favourites and powerful persons who had curried favour with the King or his deputy. In 1541 a Parliament held in Dublin conferred the title of King of Ireland on Henry.

In the short reign of Edward VI. efforts to establish the royal supremacy were continued, but so far as the majority of the clergy and the mass of the people were concerned, with little success. On Easter Sunday, 1551, the liturgy was read for the first time in Christ Church Cathedral, Dublin; and almost immediately afterwards the primacy of all Ireland was annexed to the see of Dublin by Act of Parliament. The Reformers had obviously reason on their side when they objected to the service of the Church being conducted in Latin, which was not "understanded of the people;" but they scarcely mended matters by insisting on the use of the English language, almost equally unintelligible to the great bulk of the Celtic and Anglo-Irish population. When Mary, a Catholic, became Queen, there was another reverse. Archbishop Browne, and Bishops Staples of Meath, Lancaster

of Kildare, and Travers of Leighlin, were removed, and two others fled beyond the seas. When the news of Edward's death reached Ireland, bells were rung, and processions of Roman Catholics paraded the streets of Kilkenny, chanting and flinging about incense and holy water. Five years afterwards Mary was in her grave, and once more the sovereign and government were Protestant. A Parliament was held in Dublin on the 12th of January, 1560, composed of seventy-six members, contributed by ten counties and towns in which the royal authority was predominant. Carefully selected as it was, however, the Parliament contained a majority who made no secret of their intention to oppose the change of religion, and the penal code which would be enacted to enforce it. The Earl of Sussex, the Deputy, had recourse to stratagem, and prorogued the House for about three weeks; then, on the first day of meeting, when few were present (travelling was very difficult and uncertain in those times), forced the Bill through, obtaining a majority by solemnly swearing that the law should never be carried into execution, having no intention, however, to observe this oath, for he had positive instructions from Elizabeth to have the law passed. A convocation of bishops was also assembled by the Queen's command, "for establishing the Protestant religion;" but as very nearly all the bishops were Catholics, having neither accepted the Reformed Prayer-book nor abjured the authority of the Pope, very little was effected.

Very soon began the persecutions. Abbots and priests were put to death—hanged and quartered—for saying the mass; monks, friars, and lay brothers were slaughtered—one at the altar of his own church; and others died from the effects of imprisonment and torture in Dublin Castle. Loftus, the Protestant Archbishop of Armagh, advised that the Anglo-Irish nobles should be "sharply dealt with," and fined "in a good round sum," because they were Catholics. Sir John Perrot, one of the military commanders, killed fifty persons, and arranged their heads as a trophy in the public square of Kilmallock; and he advised the Queen that "friars, monks, Jesuits, priests, nuns, and such-like vermin, who openly upheld the Papacy, should be executed

by martial law." If we may believe Miss Cusack—and that able writer, although influenced perhaps in her opinions by her attachment to Roman Catholicism, appears to have been very careful to have good authority for her statements of facts—"the officers of the troops sent to put down Popery seem to have rivalled each other in acts of cruelty. One is said to have tied his victim to a maypole, and then punched out his eyes with his thumbs. Others amused themselves with flinging up infants into the air, and catching them on the points of their swords. Francis Crosby, the deputy of Leix, used to hang men, women, and children on an immense tree which grew before his door, without any crime being imputed to them except their faith, and then to watch with delight how the unhappy infants hung by the long hair of their martyred mothers."

Our limits will not permit us to trace step by step the history of Ireland during the remainder of the reign of Elizabeth. Shane O'Neill, the Irish chief who claimed to be King of Ulster, defied the English, and gained some successes. Then he was induced to visit the English court, cajoled with fair promises, and ultimately murdered at Carrickfergus, where he had been invited to a feast, and his head was impaled on the wall of Dublin Castle. An obsequious and tongue-tied Irish Parliament, assembled in 1569, formally annexed Tyrone, Shane O'Neill's possessions, to the English throne, and then began what was known as the "plantation of Ulster." Large districts conferred on favourites were described as "divers parts and parcels of her Highness's earldom of Ulster that lay waste, or else was inhabited with a wicked, barbarous, and uncivil people." What might become of these people under the rule of their new masters seems not to have troubled the Queen or her councillors.

Nationality and religion, public misgovernment and private wrong, excited the people to a desperate resistance; and then ensued the Irish wars—the terrible massacres in which even such men as Walter Raleigh consented to take part. Edmund Spenser tells us how wild and savage the Irish were; our own historians tell us how blood-thirsty and merciless were the English knights and soldiers sent to

quell them. In England there was almost the enthusiasm of a crusade, and to join in the extermination of the Papist Irish was looked upon as entering on a career of glory. Augustin Thierry says, "Their zeal supplied Queen Elizabeth with more money and men for these wars than any king had obtained before her time. Undertaking with greater resources, and with a renewed activity, the still incomplete work of the conquest of Ireland, Elizabeth reconquered the northern provinces, and invaded such of the western as had hitherto held out. The territory was divided into counties like England, and was governed by Englishmen who, wishing, as they said, to civilize the 'wild Irish, made them die by thousands of hunger and wretchedness." The conquest, however, was not achieved without compromise, and shortly before the Queen's death, in 1603, O'Neill and O'Donnell, the most formidable of the insurgent chiefs, were recognized as Earls of Tyrone and Tyrconnell.

A few years afterwards, these Earls, finding that their titles were nearly all they had gained, retired to the Continent, and then James I. determined to complete the "plantation of Ulster" begun by his predecessor. Scotch and English settlers were invited. The counties to be "planted" were Tyrone, Derry, Donegal, Armagh, Fermanagh, and Cavan. He offered to the companies of the city of London, at a very cheap rate, vast districts in the county of Derry. Twelve companies accepted the offer, and a committee was formed of their representatives, with the title of the Honourable Irish Society, to manage the affairs of "the plantation," under the sanction of a royal charter. The name of the town of Derry thenceforth appeared as Londonderry, in commemoration of the fact. The object of the Irish Society was described as being "to promote loyalty, Protestantism, and education." Of the twelve companies, six, the Mercers, Salters, Skinners, Ironmongers, Fishmongers, and Drapers, still hold extensive properties, the others having disposed of their estates; and it is only justice to say that the influx of an industrious population from Scotland and England conferred an incalculable benefit on that part of Ireland, by introducing manufactures and commercial enterprise, which, however crippled by

subsequent legislation and theological animosities, have developed until they rival those of England and Scotland.

The settlers had terrible difficulties to encounter. Charles I., involved in troubles with his Parliament, and on the brink of the civil war so fatal to him, had little power to control Irish affairs, and the time was considered favourable for an attempt on the part of the Irish Catholics to throw off the Protestant yoke. For a time the revolt, headed by George Moore, an Anglo-Irishman, bore an exclusively religious character, and met with little success; but soon Phelim O'Connor, with a large body of native Irish, joined the movement, and then the insurrection became truly formidable.

Hatred of the Protestants was allied to hatred of the English and Scotch settlers, Protestant or not. The Presbyterians and colonists of Ulster and the western provinces were ruthlessly attacked; nearly forty thousand massacred. The English Parliament, ready enough to believe evil of Charles, and suspicious of his supposed tenderness to the doctrines of Romanism, so hateful to the Independents and Presbyterians, accused him of having encouraged the outbreak. He warmly defended himself against the charge, and to prove his sincerity sent into Ireland all the troops that could be made available. The English army showed no mercy—even those who laid down their arms were not spared; and their severity renewed the ardour of the Irish,—the English were beaten, a large portion of Ulster was recovered, the Scotch settlers driven out. A native council of administration was established, composed of bishops, chiefs of the old Irish tribes, lords of Anglo-Norman descent, and deputies chosen in each province by the Irish population.

When the great Parliamentary war in England broke out, the national assembly of Ireland entered into private negotiations with each party, offering support to that which should to the greatest extent recognize the independence of Ireland. The Parliamentarians would “have none of them,” hating Papists more perhaps than they hated the King. Charles agreed to an alliance, and on the condition of receiving the aid of ten thousand troops, made concessions which were almost

equivalent to the abdication of his kingly claims on the island. With characteristic duplicity, however, he made a private arrangement with the Duke of Ormond, who was at the head of a Royalist party of Anglo-Irish, and stipulations were made in which the native Irish and the Papists had no share. The Pope's nuncio and the priests fomented the indignation of the Catholic party, and the alliance for national independence was broken. The remnants of the national party were disposed, after the execution of Charles I., to enter into negotiations with the victorious Parliamentarians ; but the Protestants and Presbyterians united under the leadership of the Duke of Ormond, and proclaimed Charles II. as King.

Then came "the curse of Cromwell." The great Oliver, with the titles of Lord Lieutenant and Commander-in-Chief, and his Ironsides, were despatched to Ireland. If, in the language of the Psalmist, they went with "the high praises of God in their mouth," of a verity the quotation may be completed by saying they had "a two-edged sword in their hand." At Drogheda, which Cromwell's army captured, more than three thousand of the garrison and townspeople were massacred ; and at Wexford and in other places the same merciless spirit was exhibited wherever the terrible Cromwell appeared. Macaulay says, "In a few months he subjugated Ireland as Ireland had never been subjugated during the five centuries of slaughter which had elapsed since the landing of the first Norman settlers. . . . He gave the rein to the fierce enthusiasm of his followers, waged war resembling that which Israel waged on the Canaanites, smote the idolaters (the Papists) with the edge of the sword, so that great cities were left without inhabitants, drove many thousands to the Continent, shipped off many thousands to the West Indies, and supplied the void thus made by pouring in numerous colonists of Saxon blood and Calvinistic faith." Sir William Petty, author of "*Hibernia Delineated*," says that six thousand young boys and girls were sent to the West Indies, and that there was reason to believe that altogether about a hundred thousand Irish were "sent to perish in the tobacco islands."

On the 26th of September, 1653, all the property of the Irish people was declared to belong to the English, and Parliament assigned Connaught for the habitation of the Irish natives, "whither they must transplant, with their wives and daughters and children, before the 18th of May following, under the penalty of death if found on this side of the Shannon after that day." Any man, woman, or child who had disobeyed the order, no matter from what cause, could be instantly executed in any way, by any of the soldiers or "adventurers" to whom land had been allotted, without trial. A belt of land four miles wide, completely enclosing Connaught on the land side, was given to the soldiers to plant and occupy, so that the Irish, if they attempted to leave the district assigned to them, would be immediately captured and killed.

Charles II. did little for Ireland ; but his brother, James II., being a Catholic, restored the supremacy of the Catholic party by admitting Papists into the army, the bar, and the senate. The Protestants, forgetting how they had persecuted those of the opposite faith, considered this measure of religious liberty as detrimental to their own interests, and loudly protested. The animosity between the Protestants and Catholics became greater when Ireland was the seat of war between the adherents of James and William of Orange, political animosity being added to the contests of creed. When William gained the victory at Boyne Water, his vanquished opponents were not only Catholics but Jacobins, adherents of the Stuarts as well as of the Church of Rome ; the Protestants of the north, a medley of Episcopalians and Presbyterians, English and Scotch by race and descent, were political partisans of no ordinary virulence, and the Orange demonstrations of our own times show how little that virulence has died out in the course of time.

The siege of Limerick, which had been defended so bravely, and in the course of which so many lives had been sacrificed, completed the subjugation of Ireland by William III. The garrison were allowed to depart, and about eleven thousand went to France. Many of the officers were men of great abilities and military reputation, and they

found employment in foreign lands. We quote the words of Macaulay : "There were Irish Roman Catholics of great ability, energy, and ambition ; but they were to be found everywhere except in Ireland, at Versailles and at St. Ildefonso, in the armies of Frederick and in the armies of Maria Theresa. One exile became a marshal of France, another became prime minister of Spain. . . . Scattered over all Europe were to be found brave Irish generals, dexterous Irish diplomatists, Irish counts, Irish barons, Irish knights of St. Louis and St. Leopold, of the White Eagle and the Golden Fleece, who, if they had remained in the house of bondage, could not have been ensigns of marching regiments or freemen of petty corporations."

A treaty, the treaty of Limerick, followed the siege. By the articles Roman Catholics were to enjoy the free exercise of their religion, and all the privileges granted by the law of Ireland ; and the second and ninth articles prescribed the form of oath of allegiance to be taken, and stipulated that that form, and no other, should be administered to Roman Catholics. It was a simple oath, involving no theological question. The treaty was confirmed by royal letters patent ; but it was almost immediately violated. A bishop preached before the Lords Justices, denouncing as a sin keeping faith with Papists ; Catholics were deprived, by a gross perversion of the forms of law, of their property ; and when Parliament met in 1692, the Catholic members were called upon to take an oath in which they would deny their creed. Three years later another Irish Parliament, summoned by Lord Capel, the Viceroy, passed the penal enactments against Catholics which for more than ninety years were in force, and which led to such terrible results in the later history of the country. We borrow from Miss Cusack's valuable "Student's History" a summary of these laws :—

"1. The Catholic peers were deprived of their right to sit in Parliament.

"2. Catholic gentlemen were forbidden to be elected as members of Parliament.

"3. Catholics were denied the liberty of voting, and were excluded

from all offices of trust, and indeed from all remunerative employment, however insignificant.

“4. They were fined £60 a month for absence from the Protestant form of worship.

“5. They were forbidden to travel five miles from their houses, to keep arms, to maintain suits at law, or to be guardians or executors.

“6. Any four justices of the peace could, without further trial, banish any man for life if he refused to attend the Protestant service.

“7. Any two justices of the peace could call any man over sixteen before them, and if he refused to abjure the Catholic religion they could bestow his property on the next of kin.

“8. No Catholic could employ a Catholic schoolmaster to educate his children ; and if he sent his child abroad for education he was subject to a fine of £100, and the child could not inherit any property either in England or Ireland.

“9. Any Catholic priest who came to the country should be hanged.

“10. Any Protestant suspecting any other Protestant of holding property in trust for any Catholic might file a bill against the suspected trustee, and take the estate or property from him.

“11. Any Protestant seeing a Catholic tenant-at-will on a farm which, in his opinion, yielded one-third more than the yearly rent, might enter on that farm, and, by simply swearing to the fact, take possession.

“12. Any Protestant might take away the horse of a Catholic, no matter how valuable, by simply paying him £5.

“13. Horses and waggons belonging to Catholics were in all cases to be seized for the use of the militia.

“14. Any Catholic gentleman's child who became a Protestant could at once take possession of his father's property.”

It is enough to state the facts, and leave impartial readers to form their own opinions. Practically, these statutes were not enforced in all their details. Catholics constituted four-fifths of the entire population, and there is a limit to human endurance and forbearance to which the most arbitrary rulers must pay some little respect. A later

Act of the Irish Parliament imposed the penalty of forfeiture of goods and imprisonment on Catholics who exercised any trade in Limerick and Galway, except seamen, fishermen, and day labourers ; and even of these only twenty of each kind were allowed in each town, and they were obliged to have a special licence.

It really seemed that a judicial blindness had visited English legislators. The very flower of the Irish gentlemen, accomplished men, and brave soldiers had been driven away ; terrible penalties were imposed on the free exercise of conscience in religious matters ; robbery was legalized ; children were set against parents, and neighbour against neighbour ; poor men were forbidden to earn their living, and driven to beggary and rascaldom ; agriculture was discouraged ; such wealth as there was was absorbed by absentee landlords ; and, to crown the work of cruel and disastrous blundering, manufactures were virtually prohibited. The woollen manufactures of Ireland had, notwithstanding all the country's troubles, made such progress as to alarm the English manufacturers, who, in a spirit of jealousy, petitioned the English Parliament to discourage them, and succeeded in obtaining an enactment prohibiting the exportation of wool and woollen manufactures from Ireland, under the penalty of the forfeiture of goods and ships, and the payment of a fine of £500 for every such offence. Even if sent to England, a most exorbitant duty was imposed. By this enactment forty thousand industrious workmen were reduced to utter destitution. Then followed embargo laws, by which Irish merchants were forbidden to trade directly with any foreign country or British colony, or export or import any article except to or from British merchants resident in England.

One able writer, referring to the state of Ireland in the middle of the last century, says : "The great proprietors of the southern and eastern provinces began to turn their arable lands into pasture, and to enclose the commons, in order to increase their incomes by breeding cattle. This agricultural change occasioned the expulsion of a great many small farmers, the total ruin of many poor families, and threw a great number of day-labourers, mostly native Irish and Catholics, out

of work." Arthur Young, the eminent writer on agricultural subjects, a good man and a competent and shrewd observer, visited Ireland, and describes the rapacity of the landlords, who having let their lands far above their value, on condition of allowing the tenants the use of certain commons, afterwards enclosed the commons, but did not lessen the rent. He speaks, too, of the tithe collectors, "harpies who squeezed out the very vitals of the people, and by process, extortion, and sequestration dragged from them the little which the landlord had left them."

Oppression is the nursing-mother of rebellion. Associations were formed, France was secretly applied to. The Irish Catholics were ready to make common cause with the Pretenders. Terrible outrages took place; the Levellers, as the national party first styled themselves, afterwards better known as the Whiteboys, from wearing white garments when engaged in their work of midnight murder and agrarian outrage, became a terror to the land. Secret societies, the members bound to each other by solemn oaths, enforced by terrible penalties, sprang into existence. In the north were the Hearts of Oak and the Hearts of Steel; in the south the Right Boys, who obeyed a mysterious Captain Right. For the sake at first of preserving order, some landowners and young men of wealthy Protestant families formed a counter-association, under the name of Volunteers. They were supplied with arms and ammunition by government, when, shortly afterwards, the war with America broke out, and almost all Europe was arrayed against England. Their first object was to defend Ireland against foreign invaders; but as their ranks increased, and they felt their strength, the national spirit increased also, and the Volunteers began to talk of redressing the grievances of their country. At first exclusively Protestant, the association now welcomed Catholics to its ranks, held political meetings, and, growing in numbers and strength, formed an assembly at Dublin, with full power to act as representatives of the Irish nation. The assembly demanded that the right to make laws for Ireland belonged only to an Irish Parliament. The English government, embarrassed by foreign wars, was compelled to make

concessions, acknowledged the integrity of the legislative privileges of the two Irish Chambers, and extended the *habeas corpus* to Ireland. Shortly afterwards the penal laws against Catholics were repealed.

By degrees the Volunteers were weakened by desertions from the ranks, brought about by intimidation, cajolery, and bribery ; religious dissensions broke out, and the country national feeling was lost in the animosity of creeds. So-called Protestants formed themselves into an association known as the "Peep of Day Boys," and made raids on Catholics to deprive them of their arms. To resist them, the Catholics united as defenders, and made reprisals. The Volunteers were dissolved, and all was again anarchy. The French Revolution gave a new impulse to the national spirit. Once more, Ireland against England was the rallying cry for both Protestants and Catholics. The Presbyterians of the north joined the Catholics of the east and south, and under the name of the United Irishmen formed clubs the object of which was to obtain justice for Ireland. Communication was opened with the leaders of the French Revolution, and for a time it seemed that open rebellion would break out. Religious animosity again interfered with national spirit. Reports were industriously propagated by the secret enemies of the Irish rational party that a massacre of Protestants was intended, and in 1795 an association known as Orangemen was formed. Outbreaks in which both factions took part, accompanied by atrocious cruelties, followed ; and the Catholics formed a secret association a hundred thousand strong, with extensive ramifications, and a governing directory of five members. Guns, ammunition, and pikes were provided ; among the members were many who belonged to the oldest Irish families, educated men, ministers of various sects, and men who claimed to be superior to all forms of religion. All seemed ready for a rising ; and a contingent of fifteen thousand Frenchmen, commanded by General Hoche, arrived in Bantry Bay, but a storm dispersed the fleet, and a landing was impossible.

In the meanwhile strenuous efforts had been made in the Irish Parliament. Mr. Grattan, one of the most brilliant of Irish orators and pure-minded of patriots, had succeeded in carrying a motion by which

the Irish Parliament was made independent, and one of the first acts of the enfranchised House was to appoint a committee to inquire into the state of the manufactures of the kingdom. There was a revival in the nation, population increased, thousands of workmen found full employment, new official buildings were erected in Dublin, and everywhere there seemed to be the symptoms of renewed national life. It was but for a time, however: the evils were too deeply seated, the Catholics were still oppressed, and the influence of the ruling power too great to admit of much amelioration.

In 1798, the United Irishmen were in open rebellion, and there ensued scenes of horror which we cannot now describe in detail. A provisional government, styling itself the Executive Directory of the Irish People, was formed in Wexford. There was fighting at Tara, at Vinegar Hill, near Wexford, at Wicklow, at Ross, at Dublin, and at Antrim. Finally, the English troops subdued the revolt, and then followed executions and expatriations. On both sides outrages and cruelties had been conspicuous; women and children had been slaughtered, prisoners tortured, houses burned, and the terrified inmates forced back at the point of the bayonet. A French contingent, commanded by General Humbert, soon surrendered themselves prisoners of war, leaving their Irish associates to endure almost unheard-of barbarities.

Early in 1799 the project of Union which Mr. Pitt and other English politicians had long contemplated was announced. The Protestants were conciliated by the promise that the maintenance of the Protestant Established Church should be a fundamental article of the Union; and the Catholics were assured that their claims would be liberally considered. What promises and fair speeches could not effect, bribery did; and on the 13th of January, 1800, the Irish Parliament met for the last time. The third reading of the Bill for the Legislative Union between Great Britain and Ireland was moved by Lord Castlereagh, and carried. The Royal assent was given on the 2nd of August, and the Irish Parliament was as dead as the old laws of the Brehons.

So was tied the knot that held loosely together so many old

animosities, so many remembrances of past wrongs, so many wild passions and national hatreds. England and Ireland were linked together, not blended into one. Many of the discordant elements in Ireland were merged in one great detestation of English domination ; and thenceforth, though Catholics and Protestants might quarrel, the predominant feeling throughout Ireland has been to hate England and despise her gifts. Catholic emancipation, disestablishment of an alien Church, liberal and wise legislation, have done little to reconcile the Irish to the Union of the two countries.

CHAPTER III.

THE ACT OF UNION—ITS RESPONSIBILITIES.

THE Act of Union, dated the 2nd of July, 1800, is entitled "An Act for the Union of Great Britain and Ireland." The preamble is remarkable as acknowledging that prior to that date the countries were "two kingdoms," and the motive for the Act is declared to be to consolidate the connection between such two kingdoms by uniting them into one kingdom, on and after January 1, 1801, for ever; and the change is declared to be by the agreement and resolve of the two Houses of the Parliament of Great Britain and the two Houses of the Parliament of Ireland.

It is expressly provided that the Peers and Commons representatives shall sit in one Parliament.

Irish status in the House of Lords is secured by the provision that four lords spiritual of Ireland shall have seats there, and also twenty-eight lords temporal, as representative peers, elected for life by the whole body of Irish peers, peers who are not so elected as representatives being eligible for election to the House of Commons.

Representation in the House of Commons is conceded by assigning to Ireland one hundred seats, that is, two for each county, two for the city of Dublin, two for the city of Cork, one for the University of Trinity College, and one for each of the thirty-one "most considerable cities, towns, and boroughs," the list being subsequently determined by the expiring Irish Parliament as follows: Waterford, Limerick, Belfast, Drogheda, Carrickfergus, Newry, Kilkenny, Londonderry, Galway, Clonmel, Wexford, Youghal, Bandon-Bridge, Armagh, Dundalk, Kinsale, Lisburne, Sligo, Catherlough, Ennis, Dungarvan,

Downpatrick, Coleraine, Mallow, Athlone, New Ross, Tralee, Cashel, Dungannon, Portarlington, and Enniskillen.

Provision is made for the creation of new peers, and for the calling of Parliaments, the same rules applying in both countries.

The Churches of England and Ireland, acknowledged to be previously two distinct churches, are declared to be henceforth one Church, with the doctrine, worship, discipline, and government the same as by law established for the Church of England, the two Churches being styled "The United Church of England and Ireland," and it is declared that "the continuance and preservation of the said United Church as the established Church of England and Ireland shall be deemed and taken to be an essential and fundamental part of the Union ; but the separate existence of the Church of Scotland is expressly reserved. According to the strict letter of that declaration, the union of the two kingdoms was therefore *essentially and fundamentally* dissolved by the disestablishment of the Irish Church as hereafter detailed.

The subjects of Great Britain and Ireland are declared to be on the same footing in respect of trade and navigation, and in all treaties with foreign powers.

Prohibitions and bounties on the *export* of articles the growth, produce, or manufacture of either country to the other are recognized as previously existing, but are totally abolished. *Import* duties upon goods passing from one country to the other are expressly retained.

Calicos, muslins, cotton yarn and twist, on importation into either country from the other, are subjected to special provisions. Calicos and muslins to be liable to duties then current until January 5, 1808, then to be reduced annually, so as to be at ten per cent. from January 1816 to January 5, 1821. Cotton yarn and twist to be liable to duties then current until January 5, 1808, then to be annually reduced so as to cease on January 5, 1816.

Import duties, other than the above, were authorized upon importation into Great Britain from Ireland, including beer, bricks and tiles, candles, chocolate, cordage, cider and perry, glass, hops, leather, mead

or metheglin, paper, printed goods, salt, silk and silk goods, soap, spirits, starch, sugar, sweets, tobacco and snuff, verjuice, vinegar, and wire. Upon importation into Ireland from Great Britain, import duties were authorized upon beer, glass bottles, but not other glass, leather of all kinds, vellum and parchment, paper, stained paper, cards, dice, wrought plate, silk manufactures not including raw silk, spirits, sugar, sweets, tobacco and snuff. Specific duties, varying as between the two countries, were made chargeable upon the foregoing, but upon import into either country from the other ten per cent. import duty was made chargeable upon apparel, brass (wrought), cabinet ware, coaches and other carriages, copper (wrought), cottons other than calicos and muslins, glass of sorts not previously enumerated, haberdashery, hats, tin plates, wrought iron and hardware, gold and silver lace, gold and silver thread, bullion for lace, pearl, and spangles, millinery, paper of sorts not previously enumerated, pottery, saddlery and other manufactured leather, silk manufacture, stockings. Of course all these duties have since been abolished, except upon exciseable articles in certain cases ; hence the particulars are given as wholly historical.

Taxation was made in due proportion for twenty years—that is, fifteen parts to be borne by England and two parts by Ireland ; after which liberty was given to Parliament to make alterations at pleasure, subject to some general rules laid down at length, but practically abandoned now.

The laws of either country were made current in each respectively for the time being, except in so far as they were any of them inconsistent with the Act of Union. But the revision or repeal of all laws, and the making of new ones, was left to the discretion of the United Parliament, all Irish appeals being to the United House of Lords.

Such was the Act that legalized the Union, which, though thus dating only as far back as the commencement of the nineteenth century, is regarded by living English statesmen as essential to the integrity of the empire. It is remarkable that though the English government, when the proposal was first seriously made, discountenanced and opposed it, a subsequent English government should

have staked their honour and statesmanship upon bringing it about. Whatever motives may have influenced those who refused to operate for the Union, that refusal fixes the responsibility with all the greater emphasis upon those in high authority who eventually adopted the idea, and used their immense power to enforce it.

Previously to that time, however shackled the Irish government and Parliament may have been, in consequence of their secondary position with reference to England, yet the work of governing ostensibly rested with those bodies. Of course the Irish maintain that, for many years before 1801, the dominion of England practically existed, and so interfered with the real wishes of the Irish Parliament as to render its legislative efforts abortive ; but whether that was really so or not, the Irish Parliament was sufficiently in actual authority to throw upon it the opprobrium of misgovernment or incapable government, to which the discontent and disorders of the country were freely attributed.

It is not unlikely that those who at first opposed the Union looked upon the Irish Parliament as a convenient scapegoat. With such unruly and uncomfortable elements as that Parliament had to contend with, there were doubtless those who, fully appreciating the peculiar difficulties of the case, were very glad to let things remain as they were, rather than take over a world of troubles by no means easy to understand, and harder to contend with. Many a passage in subsequent Irish history must have since suggested to perplexed ministers how much more convenient it would have been to have had somebody else to lay the blame to.

Whatever reflections to this effect have or have not been indulged in, all the circumstances combine to throw upon those who devised the Union, and who exercised their influence in promoting its adoption, and who accepted it at last, a responsibility of exceptional magnitude. That Union was advocated and effected upon lines quite different to those upon which arguments run now. No one said or pretended that a separate Parliament for Ireland was inconsistent with the integrity of the empire. The conviction put forward was not that

the Parliament was inconsistent, but that it was incapable, and that the mischiefs with which Ireland was afflicted arose out of such parliamentary incapacity. In effect, the policy of the Union implied, or took it for granted, or presumed, that the English Parliament could govern Ireland better than the Irish Parliament did. Charles James Fox, during the debates on the bill, challenged those who enunciated the doctrines we have just referred to. He said : " The whole scheme goes upon the false and abominable presumption that we [the English] could legislate better for the Irish than the Irish could do for themselves—a principle founded upon the most arrogant despotism and tyranny. There is not a more clear axiom in the science of politics than that a man is his own natural governor, and that he ought to legislate for himself. We ought not to presume to legislate for a nation in whose feelings and affections, wants and interests, opinions and prejudices, we have no sympathy."

The history of eighty years now stands in judgment upon the arrogance and presumption that Fox denounced. By the Union, the whole responsibility was transferred, root and branch, from the Irish Parliament, so far as it ever rested there, and was thrown, without qualification or possibility of evasion, upon the English Parliament, and especially upon English statesmen. By them it was justified on the ground, amongst other grounds, that the Irish people concurred in it, through their representatives, who voted it by so considerable a majority. But the Irish people of those days denounced the majority as a sham and the Union as an imposture. The Irish people of to-day denounce the same with greater vehemence, accumulating with the time that has intervened. Therefore all possible justification of the Union must be looked for in the fact, if it be a fact, that we *have* legislated in a manner worthy of our presumably superior intelligence, humanity, and wisdom ; and that we have developed Ireland out of the darkness of her previous miseries into contentment, order, peace, and prosperity, at least equal to that experienced in England.

How stands the record? Eighty years of English legislation for Ireland has resulted in acts that speak volumes. In evidence of

promised contentment, order, and peace, there have been 12 acts for the suspension of *habeas corpus*; at least 17 peace preservation acts, whether so called or otherwise; 18 acts for limiting and controlling the possession of arms and gunpowder; 17 for the prevention of resistance to the law by means of outrages against persons and property; 25 against unlawful and dangerous societies, combinations, assemblies, and processions; 11 for the suppression of rebellions, insurrections, and disturbances; and 1 for curtailing the freedom of the press;—at least 100 coercion acts in 80 years. In evidence of the anticipated prosperity, there have been 9 acts for the direct relief, otherwise than by the ordinary poor law, of exceptionally extreme poverty and consequent distress; 9 for the indirect relief of poverty by means of advancing money for public works; 4 more for giving to the extremely poor employment at the public expense; 4 for contending with famine fever; 4 for saving from perishing by starvation the thousands of children deserted through the abject poverty of their parents; 3 for the relief and assistance of railway companies otherwise unable to proceed with their works; 4 for the artificial assistance of banks and for sustaining commercial credit; and 4 for the rescue of encumbered estates from hopeless insolvency; making, in all, 41 acts in acknowledgment of the ruin and despair that have haunted all sorts and conditions of men in Ireland under the benign influence of the Union.

It may be contended that the 100 coercion acts in eighty years were not passed without the most urgent necessity for passing them. That being granted, the case is all the worse against a form of government that has governed so badly as to make them necessary. In like manner, it may be urged that the 41 relief acts were passed with the best and most amiable intentions, and, like the coercion acts, never until they were absolutely necessary. Unfriendly critics will not be likely to dispute the last suggestion; and it is not necessary to go into the evidence of intentions to prove that a nation in a deplorable plight, such as those acts give progressive assurance of, is not a subject for its rulers to boast about.

Regarded in the most charitable light—giving the English Parliament credit for an unbroken pavement of good intentions—these 97 coercion acts and 41 relief acts, making 138 in all, can only be regarded as so many random or despairing efforts to govern properly. And those acts are not the full total that might be reasonably quoted, for there are numerous others concerning constabulary, gaols, prisons, juries, militia, magisterial jurisdiction, and other such matters, intended as direct or indirect means of coercion ; and others concerning cash payments, the Church, collieries, drainage, fisheries, reform of representation, Roman Catholics, and other matters in the nature of relief or concession, or both, and coming, with the 138 acts first mentioned, under the proper head of exceptional legislation. Has that legislation succeeded? Is it not a fact that coercion, as a permanent cure for chronic disorder, has utterly failed from beginning to end? Is it not a fact that the utmost efforts to give relief and make concessions have been entirely abortive for the promotion of lasting prosperity or contentment? After all these laborious and vain efforts to do justice and have mercy, the last end is worse than the first. Never was chronic disorder more widespread and more successful than now; never was there more evidence of discouragement to industry and aggravation of pecuniary difficulties than at this moment.

Viewed from this aspect, the British Parliament stands convicted of impotent efforts for the greater part of a century, and it is essential to a true appreciation of the real difficulties of the case to read the Irish history of the last eighty years by the light of reflections arising out of the matters of fact derived from the legislation we have referred to. In order to have the nature of the most prominent of that legislation clearly before us, it is necessary to deal with it at some length in the next succeeding chapters.

CHAPTER IV.

SUSPENSION OF HABEAS CORPUS.

JUST as the first Parliament of Charles II., though repudiating the authority of the Parliament of Cromwell, hastened to adopt such of its "ordinances" as best suited them, so the first Parliament of the United Kingdom, though it had extinguished the Irish Parliament on account of its alleged blundering, hastened to take a leaf out of its last blundering book. Such leaf was a truly Irish mode of what is too well known in Ireland as the suspension of *habeas corpus*. It being the last thing of the kind done by the Irish Parliament, it is desirable that the whole of the Act should be given entire.

"An Act to empower the Lord Lieutenant, or other chief governor or governors of Ireland, to apprehend and detain such persons as he or they shall suspect for conspiring against his Majesty's person and government. [April 10, 1800.]

"I. Whereas a traitorous and detestable conspiracy has been formed for subverting the existing laws and constitution ; therefore, for the better preservation of his Majesty's sacred person, and for securing the peace, the laws and liberties of this kingdom, be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by authority of the same, that every person or persons that is, are, or shall be in prison within the kingdom of Ireland, at or upon the day upon which this Act shall receive his Majesty's royal assent, or after, by warrant of his Majesty's most honourable privy council of this kingdom, signed by six of the said privy council, for high treason, suspicion of high treason, or treason-

able practices, or by warrant or warrants signed by the Lord Lieutenant or Chief Secretary, for such causes as aforesaid, may be detained in safe custody, without bail or mainprize, until the twenty-fifth day of March, which will be in the year one thousand eight hundred and one; and that no judge or justice of the peace shall bail or try any such person or persons so committed without order from his said Majesty's privy council, signed by six of said privy council, until the said twenty-fifth day of March, one thousand eight hundred and one, any law or statute to the contrary notwithstanding.

"II. And be it enacted by the authority aforesaid, that in cases where any person or persons have been before the passing of this Act, or shall be during the time this Act shall continue in force, arrested, committed, or detained in custody by force of a warrant or warrants of his Majesty's most honourable privy council of this kingdom, signed by six of the said privy council, for high treason, suspicion of high treason, or treasonable practices, or by warrant or warrants signed by the Lord Lieutenant or Chief Secretary for such causes as aforesaid, it shall and may be lawful for any person or persons to whom such warrant or warrants have been or shall be directed to detain such person or persons so arrested or committed in his or their custody in any place whatever within this kingdom; and that such person or persons to whom such warrant or warrants have been or shall be directed shall be deemed and taken to be, to all intents and purposes, lawfully authorized to detain in safe custody, and to be the lawful gaolers and keepers of such persons so arrested, committed, or detained; and that such place or places where such persons so arrested, committed, or detained, are or shall be detained in custody, shall be deemed and taken, to all intents and purposes, to be lawful prisons and gaols for the detention in safe custody of such person and persons; and that it shall and may be lawful to and for the Lord Lieutenant of this kingdom for the time being, by warrant signed by him, or the Chief Secretary of such Lord Lieutenant, by warrant signed by such Chief Secretary, or for his Majesty's privy council of this kingdom,

by warrant signed by six of the said privy council from time to time as occasion shall be, to change the person or persons by whom, and the place in which such person or persons so arrested, committed, or detained, shall be detained in safe custody.

“ III. Provided always, and be it enacted, that copies of such warrants respectively shall be transmitted to the clerk of the crown and shall be filed by him in the public office of the pleas of the crown at the city of Dublin.

“ IV. Provided always, and be it enacted, that nothing in this Act shall be construed to extend to invalidate the ancient rights and privileges of Parliament, or to the imprisonment or detaining of any member of either house of Parliament, during the sitting of such Parliament, until the matter of which he stands suspected be first communicated to the house of which he is a member, and the consent of the said house obtained for his commitment or detaining.”

The Act of the following year, passed by the Parliament of the United Kingdom, on March 24, 1801, is a copy of the aforesaid Act, so far as its operative provisions are concerned, and it will be noticed that it was passed one day before the former Act expired.

These Acts form the bases upon which so many similar Acts have been framed. They are all in the same spirit, and nearly in the same terms. However necessary and judicious such Acts may have been, and however successful they may have proved in deterring or detecting the crimes and offences of evil-disposed persons, they carry with them the essential elements of persecution and oppression of very numerous innocent persons out of all proportion to the benefits derived. Though proceedings under them cannot be taken without the direct intervention of the Lord Lieutenant, the Chief Secretary, or the privy council, it is manifestly impossible for those individuals to enter personally into the merits of every case. Therefore the administration of such Acts, though professedly limited in theory to persons who are presumably beyond suspicion of corrupt motives or ill-considered action, yet, in practice, the real power of decision and action with reference to most cases must necessarily rest with subordinates of every grade, not

excluding the very lowest, from whom, it may be presumed, much of the original information upon which proceedings are founded must be derived. The evidence is beyond reasonable dispute that such Acts have been made the instruments for gratifying the malice and facilitating the revenge of viciously disposed persons, who have turned them to account against private individuals, who are thus placed at the mercy of every scoundrel who has the opportunity of getting up a case, so easily sustained for such a purpose by a few unblushing lies and a little hard swearing. The opportunities for such corrupt proceedings must be multiplied and the consequences made all the more cruel by the provision permitting and suggesting the secret removal of prisoners from one prison to another, so that they may be totally cut off from all knowledge and succour.

Mr. Plowden, who, as a recognized writer, has generally been esteemed an apologist of the government, has admitted the existence of the grievous wrongs we here refer to, as well as others of a more serious character, alluded to by him in the following extract : "Sensible that general charge and invective come not within the province of the historian, the author felt it his duty to inform the reader that at this time commenced a new system of gradual inquisitorial torture in prison. Suffice it here to observe, that there are many surviving victims of these inhuman and unwarrantable confinements, who, without having been charged with any crime, or tried for any offence, have from this period undergone years of confinement, and incredible inflictions and sufferings, under the full conviction that they were inflicted from motives of personal resentment, and for the purpose of depriving them of life."

In recognition of the truth of the foregoing, modern Acts for the suspension of *habeas corpus* have never omitted to limit the time of imprisonment : the Act of 1866 limited it from February 17 until the 1st of the following September, and the Act of 1868 (the last of the grim series) limited the time from February 28, 1868, until the 25th of March, 1869. The last-named Act, in further recognition of notorious abuses included a clause not appearing in former Acts, providing that "All

prisoners at present in confinement under the warrant of the Lord Lieutenant of Ireland, by virtue of the power of the first-recited Act [1866], or who shall be hereafter arrested or committed to prison in pursuance of same or of this Act, shall, while in such confinement, be treated as untried prisoners."

The insertion of that section in the Act of 1868 is a damaging admission of the prior perpetration of outrageously wanton cruelties under cover of the various suspension Acts, inflicted upon untried and often wholly innocent persons. Such a section is timely, and cannot fail to mitigate the evils referred to should any similar Act become law in the future, but no such section can entirely remove the inherent vices of similar Acts of whatever name.

CHAPTER V.

SUPPRESSION ACTS.

ACTS for the suppression of insurrection and rebellion, and generally for the prevention of conspiracies of that kind, date from the time before 1800. Their general character is the same throughout, and they are best illustrated by the two last, strictly so called, both of which were passed in 1822. The first is dated on the 11th of February, and recites that tumultuous insurrections have from time to time existed in various parts of Ireland, principally promoted and supported by persons associated under the pretended obligation of oaths unlawfully administered.

The first section empowers any two justices of the peace for any county, town, or city in Ireland to direct the clerk of the peace to summon an extraordinary session of the peace, to be holden not less than forty-eight hours after receipt of requisition. The clerk is required forthwith to post on the door of the court-house notice of such intended special session, and as far as possible to summon every justice of such county, town, or city to attend such special session, in which summoning constables and sheriffs' bailiffs are required to assist. The majority of any seven justices of a county, or three of a town or city, attending such special session are entitled to memorialize the Lord Lieutenant to the effect that they consider their county, town, city, or part thereof, to be in a state of disturbance, or in imminent danger of becoming so, giving the grounds and reasons of such opinion, and praying the Lord Lieutenant and council to proclaim the county or district named in the memorial.

Upon receipt of such memorial the Lord Lieutenant and council are authorized to proclaim such county or district, and any part of any

adjoining county or district, to be in a state of disturbance, or in imminent danger of becoming so. A copy of such proclamation is required to be sent to the clerk of the peace of every county or district concerned, and every such clerk of the peace is required to give notice thereof to the several magistrates in the proclaimed district, and to the assistant barrister thereof, to constitute themselves into special sessions for the purposes of the proclamation, such special sessions to commence sitting within seven days after date of proclamation, and to continue so long as the proclamation shall continue in force ; and the special sessions may be adjourned from time to time, and from place to place within the proclaimed district as may be convenient. And the Lord Lieutenant is entitled to appoint a barrister to act as king's serjeant and to preside at every meeting of such sessions as chief judge, with power to try by jury, reserving to the Lord Lieutenant the power of suspending any judgment and detaining accused or convicted persons in custody.

Every such proclamation is required to include warning to the inhabitants of the proclaimed district to be and remain within their houses at all hours between sunset and sunrise ; and any magistrate and any peace officer is empowered to apprehend any person found other than inside a house any time from one hour after sunset until sunrise ; and upon hearing the case against any such person, such person, being unable to prove to the satisfaction of the court and jury that he or she was out of his or her house on his or her lawful occasion, such person to be deemed an idle and disorderly person.

Any justice of the peace, or any person holding a warrant thereof to that effect, is authorized at any time from one hour after sunset until sunrise to demand admission, and in case admission be refused or not obtained within a reasonable time after admission demanded, to enter by force any house from which he suspects the inhabitants, or any of them, to be absent, and search therein, so as to discover whether the inhabitants or inmates, or any of them, be absent. And if the inhabitants or inmates, or any of them, be absent between the said hours, any magistrate or peace officer may cause to be apprehended and

committed every person so absent, who may be brought before the court, and must be deemed idle and disorderly, unless he, she, or they can prove to the satisfaction of the court, with or without a jury, that he, she, or they were absent on his, her, or their lawful and proper occasions. It was common early in this century, when such search was made by forcible entry, and no one was found, to sack and burn down the house.

With reference to oaths, the Act provides that "every person who shall administer or tender, or take or enter into, any oath or engagement, importing to bind him or her to be of any association, brotherhood, committee, society, or confederacy whatsoever, in reality formed for seditious purposes, or to disturb the public peace, or to injure the person or property of any person or persons whatsoever, or to do, or to omit to refuse to do, any act or acts whatsoever, under whatever name, description, or pretence, such association, brotherhood, committee, society, or confederacy shall assume or pretend to be formed or constituted, or any oath or engagement importing to bind the person taking the same to obey the orders, or rules, or commands of any committee or other body of men not lawfully constituted, or of any captain, leader, or commander not appointed by or under the authority of his Majesty, his heirs and successors, or to assemble at the desire or command of any such captain, leader, commander, or committee, or of any person or persons not having lawful authority, or not to inform or give evidence against any brother associate, confederate, or other person, or not to reveal or discover any illegal act done or to be done, or not to discover any illegal oath or engagement which may be administered or tendered to him or her, or the import thereof, whether such oath shall be afterwards so administered or tendered or not, of whether he or she shall take such oath or enter into such engagement or not, not being compelled thereto by inevitable necessity, shall be deemed an idle and disorderly person: provided always, that if any person accused of taking or entering into any such unlawful oath or engagement shall have been tried for such fact before such court of special sessions of the peace, in the mode prescribed by this Act, he,

she, or they shall not be liable to be tried again or questioned for the same fact or offence before any other jurisdiction whatever."

It was made unlawful in any proclaimed district to print, write, post, publish, circulate, send, or deliver, or cause to procure the same, any notice, letter, or message exciting or intending to excite any riot, tumultuous or unlawful meeting or assembly, combination, or confederacy, or threatening any violence, injury, or damage upon any condition or in any event, or otherwise to any person or property, or demanding any money, arms, weapon, ammunition, or other matter or thing whatsoever, and every person so offending to be deemed an idle and disorderly person.

Arms were forbidden, and any justice or person holding his warrant was authorized to search for arms, and in the event of discovering any in a proclaimed district—that is, any arms, ammunition, pike, pike-head, spear, dirk, or any other offensive weapon of any kind whatsoever, in the house or power or possession of any person whatsoever, concealed or otherwise, after the possessor had had notice to deliver up everything of the kind, then any person adjudged responsible for the possession of such arms, or other like things, was to be deemed an idle or disorderly person, unless such person could prove to the satisfaction of the court that such possession was without such person's knowledge, privity, or consent.

Persons found assembled in any proclaimed district within any public-house, licensed or unlicensed, in which malt liquors or spirituous liquors were sold, not being inmates thereof or travellers, after nine at night and before six in the morning, to be deemed idle and disorderly persons.

Assemblies in the daytime within any proclaimed district were forbidden, if the court was satisfied that such assemblies were of an unlawful or disorderly character, and every individual of any such assembly was to be deemed an idle and disorderly person.

Punishment of every one convicted of being an idle and disorderly person for any of the foregoing reasons was provided for with excessive severity, any special session in a proclaimed district being authorized

and required to sentence every offender to transportation for seven years ; and removal of a case, by certiorari or otherwise, into any other court, was expressly barred.

Hawking seditious papers, handbills, or pamphlets, rendered the hawker liable to imprisonment for twelve months ; but if any person convicted of such hawking disclosed by whom he was employed to hawk, he was expressly entitled to acquittal.

Registration of arms was provided for, and arms so registered were permitted on condition that they were delivered to the authorities on demand.

The Lord Lieutenant was empowered to revoke or vary a proclamation at any time, and proclamations ceased to be legal or operative after July 31, 1822 ; but the second Act of that year, passed on July 26, fully extended the operation of the previous Act until the 1st of August, 1823, since which time there has been no Act entitled to be for suppression, some of the provisions being included in what have become better known as Peace Preservation Acts, of which we give the succeeding particulars.

CHAPTER VI.

PEACE PRESERVATION ACTS.

THE various Peace Preservation Acts seem to have had their origin in two passed by the Irish Parliament in 1784 and 1787, the latter being the repeal of the former, and enacting new provisions. The latter Act gave the Lord Lieutenant power to divide each county into districts, to be known as baronies or half-baronies, and to appoint a special chief constable and special sub-constables to each district, in addition to any other constables operating therein.

Every licensed holder of a house for selling beer or spirits was required to show his licence, on demand of any special constable, subject to a penalty of five pounds for non-compliance, or three months' imprisonment. In other respects special constables were generally empowered to arrest persons at their discretion for alleged breaches of the peace, and to take such persons before general sessions to be held eight times a year, presided over by a barrister appointed for the purpose by the Lord Lieutenant. This Act, on the face of it, is of the very mildest character, but the appointment of the presiding barristers suggests an intention to carry out the law with some severity, and this seems to be acknowledged by the limitation of the Act to three years. This Act was resumed in 1804 for a brief period, and has been resorted to in various forms and modifications from time to time ever since.

The latest Peace Preservation Acts may be said to be founded upon the Act of 1856, which, under the peace preservation title, adopted a large portion of the Act of 1847 for the prevention of crime and outrage. The sections of that Act, which were revived by the Act of

1856, are for all practical purposes included in the Act of 1870, and are contained in the next succeeding particulars :—

The Lord Lieutenant, under the Act of 1870, is authorized to proclaim any district to be under the provisions of the Act, by publishing his proclamation in the *Dublin Gazette*, and by posting a copy of the proclamation on or near the door of one place of worship in every parish proclaimed, and of every police station or barrack in the district ; and in like manner he is authorized to revoke any proclamation at any time. Districts while under proclamation are subject to the following restrictions :—

Persons who are licensed to kill game are not entitled to carry arms unless otherwise licensed to do so.

Revolvers are forbidden—that is, all persons except magistrates and those in government services, are required, in addition to any general licence to carry arms, to get a special licence for every revolver.

The punishment for improper possession of arms is imprisonment, with or without hard labour, for two years.

It is lawful for any person holding a warrant to search for and seize arms, to enter into any house or place, and where admission is refused, to enter by force.

Every maker of or dealer in gunpowder is liable to a penalty of fifty pounds for making or dealing without a licence, and for infringement of prescribed regulations ; and every transaction must be registered subject to a penalty of twenty pounds ; and every dealer in gunpowder selling or delivering any must require the purchaser to produce a licence to make or sell gunpowder or to carry arms ; or, in case the gunpowder is required for blasting, a certificate of two justices to that effect. Selling without such precaution involves a penalty of five pounds, or ten pounds for a repeated offence.

Making, selling, mending, and repairing of arms to or for any one but those in the government services, without production of a licence to carry arms, involves a penalty of fifty pounds ; and every transaction must be registered subject to a penalty of ten pounds, or twenty pounds for every repeated offence.

Searches for documents include the right of the authorities to search any person suspected of writing a threatening letter, or the house or place where he resides, for the purpose of obtaining evidence as to his handwriting.

Any justice of the peace or officer holding his warrant may arrest any person who may be found under suspicious circumstances in the fields, streets, highways, or elsewhere out of his dwelling or place of abode at any time from one hour after sunset until sunrise ; and unless such person can prove he was out on lawful business, he is liable to imprisonment with or without hard labour for six months.

Closing of public-houses at night is in the power of the Lord Lieutenant, who is at liberty to order the closing of any licensed house at sunset, or any time after, and disobedience involves imprisonment with hard labour for three months.

It is lawful for the authorities to arrest at any time any stranger whether sojourning or wandering in a proclaimed district, and every such arrested stranger may be examined by any magistrate respecting his place of abode, the place whence he came, his manner of livelihood, and his object or motive for remaining or coming into the proclaimed district ; and failing satisfactory information or surety, he is liable to imprisonment until he finds surety or is formally released by a magistrate. But particulars of such commitments must be sent to the Lord Lieutenant, who has power to release any such person.

Newspapers are liable to strong measures. Where it appears to the Lord Lieutenant that any newspaper printed or published, or purporting to be printed or published, in any part of Ireland, contains any treasonable or seditious engraving, matter, or expressions, or any incitements to the commission of any felony, or any engraving, matter, or expressions encouraging or propagating treason or sedition, or inciting to the commission of any felony, the Lord Lieutenant may cause a notice to be published in the *Dublin Gazette* ; and if such newspaper purports to be printed or published at any known house in Ireland, a true copy of such notice is to be served at such house on the proprietor, or publisher, or printer, either personally or by leaving the

same with his wife, child, servant, or any other inmate aged sixteen, or, if admission cannot be obtained, by affixing it to a conspicuous part of the house between eight a.m. and six p.m., subject to official formalities.

Such notice having been served or fixed as aforesaid, seven days' grace is given to a weekly publication, and two days when published oftener than once a week. After the days of grace, if any newspaper belonging to or published by the same proprietor, printer, or publisher, or printed or published at the same premises, or under the same control or management, contains any treasonable or seditious engraving, matter, or expressions, or any incitements to the commission of any felony, or any engraving, matter, or expressions encouraging or propagating treason or sedition, or inciting to the commission of any felony, all printing presses, engines, machinery, types, implements, utensils, paper, and other plant or materials used or employed, or intended to be used or employed, in or for the purpose of printing or publishing such newspaper, or found in or about any premises where such newspaper is printed or published, and all copies of such newspapers, wherever found in Ireland, are to be forfeited to her Majesty.

If, anywhere in Ireland, any newspaper printed elsewhere than in Ireland, is published or circulated in Ireland, and contains any matter or thing forbidden as before described, wherever found in Ireland, it is to be forfeited to her Majesty.

In all cases of newspapers offending in the foregoing respects, the property forfeited is to be taken, if necessary by force, under a warrant of the Lord Lieutenant.

Definition of a newspaper under the Act is "two or more copies of a newspaper bearing the same name, whether published on the same day or on different days, and shall also include any series of newspapers whether printed on one day or different days, or with one or with different names."

Absconding witnesses are anticipated. If any person, required as a witness in any prosecution, is suspected of an intention to abscond, or is found after absconding, he may be arrested and detained until the

time when his evidence is required, unless he can find satisfactory sureties for his appearance.

This concludes all the salient points of public interest of the Act of 1870, which was passed on the 4th of April, and was made terminable on the 1st of August, 1871.

The aforesaid Act was renewed by the Act of the 16th of June, 1871, in combination with the Westmeath Act, referred to in a later chapter.

The Peace Preservation Act was further continued by a very short Act which is cited as "The Peace Preservation (Ireland) Acts Continuance Act." It was passed on the 26th of May, 1873, and was made to continue in force until the 1st of June, 1875.

The Acts just before noticed were brought forward and passed by Mr. Gladstone's government of that date. When the Act of 1873 expired in 1875, Mr. Disraeli's government was in office, and three days before the expiration of the last-named Act there was passed "An Act to amend and continue certain Acts for the Preservation of the Peace in Ireland, and to grant an Indemnity in certain cases."

This Act, passed by a Conservative government, is very remarkable as being a relaxation of severity, for it repealed many of the provisions of the Acts of 1870 and 1871. It facilitated the granting of licences of persons to carry arms wherever no good ground of objection could be urged, and especially enacted that "the person appointed to grant licences to have or carry arms in any district shall be bound to grant to any occupier of one or more agricultural holdings a licence to have and carry arms upon any specified lands, or a licence to have and carry arms generally, who shall produce him a certificate, signed by two justices of the peace for the county residing within the same petty sessions district, as the person producing such certificate, that he is a fit and proper person to have such licence respectively. The punishment for having arms without a licence is reduced to imprisonment for one year instead of two.

Very remarkable, also, is section 5, which deprives the Lord Lieutenant of the power of arrest without trial which the Act of 1871 gave him as previously described.

By the Act of 1875 everything was also repealed relating to licensing of gunpowder makers and dealers, and the registration of transactions in arms and gunpowder were made void ; and the parts relating to arrests of persons by night, and the arrest of strangers, and the closing of public-houses, and the suppression of newspapers, are discontinued. In other respects the Act of 1870 revived from the 28th of May, 1875, until the 1st of June, 1880.

Having thus glanced at leading examples of the huge volumes of special legislation with which Ireland has been afflicted or saved, according to the interpretation different persons may put upon it, the glance will tend to assist in appreciating the circumstances under which arose the history contained in the succeeding pages.

CHAPTER VII.

FIRST EXPERIENCES—ROBERT EMMETT.

WHEN the Imperial government took over the government of Ireland for better or for worse, martial law was in operation and *habeas corpus* was suspended, in pursuance of the legislation of the Irish Parliament before referred to. When it was proposed to renew those enactments in 1801, the Earl of Clare, in the House of Lords, said there was no real security for person or property, and that when he left his house his servant brought him his arms as regularly as his hat. He contended that Acts of indulgence had been mischievous, and the Acts under debate were therefore renewed.

This did not prevent trouble in 1802. The cry throughout the south and west was for the right of the old tenants to retain possession of their holdings, substantially the same thing as the "fixity of tenure" contended for now, and it was considered patriotic to oppose the introduction of strangers to the occupation of farms. In defiance of repressive measures, considerable violence was indulged in to further such views, for the Union threatened to introduce a new order of things which the people vehemently opposed. Limerick, Tipperary and Waterford were the counties then most notorious in such matters. Disorder was put down with a strong force of military; and swift punishments, including a free resort to penal transportation, awed the rebellious into a position of seeming content. Increase of the military forces was assiduously cultivated, and every precaution was taken in anticipation of revolt.

Robert Emmett now comes upon the scene. He was one of nineteen students who in 1798 were expelled from Trinity College for their

republican principles. He afterwards travelled on the Continent with a brother who took but little part with him. He was the son of Dr. Emmett, and after the death of his father he exercised his instincts for secret operations by making a passage and various other concealed communications within the house, some portions being fitted with pulleys and ropes to facilitate movements that would otherwise have been impossible. Having practised his hand upon such freaks in his father's house, he resumed them in a house where he soon after resided at Harold's Cross.

Subsequently he set about conspiring with all he could find to join him in getting up an insurrection. His adventures were of the most romantic description, and were very widespread. For a time he lived with his followers in a subterranean cave in the deep glen of Ernall, access to the cave being by means of removing a sod of turf placed so as to conceal the entrance. Here they slept by day and emerged at night, and Emmett became the acknowledged chief of a considerable body of men, who were eventually surprised and mostly shot down by a detachment of Highlanders.

On this occasion Emmett escaped. He was an ardent republican, and his avowed object was to separate Ireland from England, and to make the former a republic. He got possession of a house in Patrick Street, Dublin, and there, with his fellows, set about the making of arms and ammunition ; but an explosion there gave the authorities a clue to what was going on. This accident and other minor occurrences did not deter Emmett in his rash and hopeless purpose, which culminated on July 23, 1803, when he supposed he and his followers would be able to obtain ascendancy over the forces of the government. He drew up the plan of proceedings in great detail, arranging to take the Castle, to make the Lord Lieutenant prisoner, and to carry everything through with a high hand. He also prepared a proclamation to be issued by the provisional government he hoped to establish, in which, among other extravagances, he wrote, "Whosoever refuses to march to any part of the country he is ordered, is guilty of disobedience to the government, which alone is competent to decide in what place

his service is necessary, and which desires him to recollect that, in whatever part of Ireland he is fighting, he is still fighting for freedom." Again he wrote : "Men of Munster and Connaught! you have your instructions ; you will execute them." "Again : "We war not against property—we war against no religious sect—we war not against party opinion or prejudices—we war against English dominion."

So thoroughly infatuated was Emmett, and so blind to hard facts was his enthusiasm and confidence, that, in addition to the long proclamation from which the above illustrative extracts are taken, he prepared a "decree" which commenced in the following grandiloquent terms : "Conformably to the above proclamation, the provisional government of Ireland decrees as follows:—1. From the date and promulgation hereof, tithes are for ever abolished, and church lands are the property of the nation. 2. From the same date, all transfers of landed property are prohibited, each person paying his rent until the national government is established, the national will declared, and the courts of justice organized. 3. From the same date, all transfer of bonds, debentures, and all public securities are in like manner forbidden and declared void for the same time and for the same reason. 4. The Irish generals commanding districts shall seize such of the partisans of England as may serve as hostages, and shall apprise the English commanders opposed to them that a strict retaliation shall take place if any outrages contrary to the laws of war shall be committed by the troops under command of each, or by the partisans of England in the district which he occupies." And so on, to the extent of thirty articles, providing for committing the "sovereign authority to the people," with an entire redistribution of seats, county government, and other details. Having, by writing these extravagant compositions, worked himself to the requisite pitch of hardihood, he got his proclamation and decree printed in readiness, and at length, on the evening of Saturday, July 23, 1803, took up the position he had assigned to himself in Dublin, where an undisciplined rabble collected in the proportion of a hundred to one or so of those who really sympathised with Emmett. He led the march, in pursuit of his plan ; but most of the rabble, finding them-

selves in force and unopposed, commenced plundering the houses and committing outrages, and fell away, until in something like half an hour it is said there were only twenty of Emmett's people to support him. Meanwhile, Lord Kilwarden, the Chief Justice of the King's Bench, was driving into Dublin from his country house, accompanied by his daughter (Miss Wolfe) and his nephew (the Rev. Richard Wolfe). The carriage, driving into Thomas Street, was instantly surrounded by a crowd. The judge, thinking his name would be a recommendation, called out, "It is I, Kilwarden, Chief Justice of the King's Bench." But, on the contrary, his assailants replied, "You are the man we want," dragged him out of the carriage, and fought for the barbarous satisfaction of giving him the fatal wound, which he is said to have received from the stab of a pike. Mr. Wolfe jumped out of the carriage, leaving his cousin to her fate; but he fled in vain, as he was speedily pursued, brought back, and killed, so gaining nothing by his cowardice. Miss Wolfe remained in the carriage, overwhelmed with fear; but one of the crowd volunteered to rescue her, took her out of the carriage, and conveyed her to an adjacent house, whence she soon made her escape to the Castle. It is said that Miss Wolfe's rescuer was Emmett himself. Be that as it may, the adventures of an hour must have convinced him that he had been labouring under a hopeless delusion.

Miss Wolfe was the first, it is said by some, to inform the authorities at the Castle of what was really going on. Intelligence had previously arrived that there was a mob, but little seemed to be thought of it until the arrival of Miss Wolfe. A portion of the garrison then turned out, marched to Thomas Street, and fired upon the mob, twenty-nine of whom were killed. The rest took to flight, and such was the end of what has come down to us as Emmett's "insurrection."

Throughout the whole of his career, Emmett exhibited an amazing facility for carrying on his proceedings in secret. Though he had many intimate associates, and he and they were in constant communication with large numbers of persons in all parts of the country, nothing more than the vaguest rumours had reached the authorities

concerning what he was about. Even after the events of July 23, the government was entirely ignorant of his identification with what had taken place, and were at a loss who to proceed against. Military patrols were kept in constant movement about the city, reckless arrests were made, but, at first, the secret of the leadership of Emmett was kept. One of the patrols, having their suspicions excited with reference to certain premises in Marshal Alley, broke open the door, and the place proved to be one of Emmett's principal stores, where his instinctive secrecy had been vainly exercised to the utmost. Hidden passages and receptacles were discovered constructed after his peculiar manner. Here, and in other similar places throughout the city, were found 45 pounds of cannon powder ; 11 boxes of fine powder ; 100 bottles filled with powder enveloped with musket balls, and covered with canvas ; 246 hand-grenades formed of ink bottles filled with powder, and encircled with buckshot ; 62 thousand rounds of musket ball cartridge ; three bushels of musket balls ; a quantity of tow mixed with tar and gunpowder and other combustible matter, intended for throwing against wood-work, so as to cause a conflagration ; sky-rockets and other signals ; and eight or ten thousand pikes !

Considering that these stores were got together by a few individuals, working in secret and under every disadvantage, the expense and toil and anxiety involved, and the degree of the success so far, cannot but excite amazement at the ability and intrepidity exercised ; but when we find that, great as the achievements were for an individual, Emmett supposed that such comparatively small preparations could enable him to cope with a determined government, and a well-supplied, well-armed, and well-disciplined army, every tendency to admire his talents, as far as they went, must be diminished by the consideration of the rashness with which he attempted an achievement for which he was so inadequately prepared.

Emmett escaped to the glen in the Wicklow mountains, where a remnant of his associates urged him to persevere in raising an armed revolt, but he had had enough of armed efforts, and refused to take any further action. On being advised to escape from the country, he

expressed his intention to do so, but declared that he must first have a meeting with the lady who was his betrothed, the youngest daughter of Curran. For this purpose, against earnest advice, he returned towards Dublin, and, returning to his lodging at Harold's Cross, opened a correspondence with a view to obtaining the desired interview. But before that could be brought about the house was surrounded by a body of constables who had at length got full information of his complicity, and he was taken prisoner without an effort on his part to escape or resist.

On the 19th of September, Emmett and nineteen other prisoners were tried for "high treason," by a special commission consisting of Lord Norbury, Mr. Baron George, and Mr. Baron Daly. Emmett pleaded "not guilty," but refused to make any defence. One of the nineteen was acquitted, another was reprieved; the rest, including Emmett, were found guilty. On being asked what he had to say why sentence of death should not be passed, he made a long speech, remarkable for eloquence, but lacking any particle of justification for his rash conduct. But it may perhaps be well to consider the last words of that speech. "Let no man write my epitaph; for as no man who knows my motives dare now vindicate them, let no prejudice or ignorance asperse them. Let them and me rest in obscurity and peace; and my tomb remain uninscribed, and my memory in oblivion, until other times and other men can do justice to my character—when my country takes her place among the nations of the earth, *then*, and *not till then*, let my epitaph be written. I have done." He was immediately sentenced to death. On the same evening, Miss Curran visited him in the condemned cell, where the interview was bitterly affecting, and during its continuance he especially requested her to visit the scenes of their childhood. The next day he was hanged.

Evidence is very strong that the authorities must have known what was going on, and that their apparent and avowed ignorance of it was a pretence, the object being to let the movement develop to a head, so as to disclose as much as possible all that the government desired to learn. If such was really the case, no words can be too strong to

condemn the policy that thus resulted in the murder of Lord Kilwarden and his nephew, together with numberless, and nameless, and unrecorded persons who fell victims to the tumult of that night, which is regarded by most historians as a mere riot for pillage and assassination, for which the government was as responsible as Emmett.

But it suited the government to exaggerate the event, and to make it the excuse for increasing severity. Another Act for the suspension of *habeas corpus* was passed with panic-stricken alacrity. The judges on circuit were each accompanied by a strong escort of military, and the whole country was thrown into a fever of terror and precaution, which, as intended, had the effect of calling forth public expressions of loyalty from the most pronounced Catholics.

Martial law was enacted. The whole of the yeomanry of Ireland was put upon permanent duty at the expense of £100,000 per month. In Cork, special provisions were adopted. No one was allowed to quit the county without a passport, and every householder was required to affix upon his door a list of his family and inmates. This requirement was also enforced in Dublin. For a time the inhabitants of Belfast were required to remain within their houses after eight o'clock in the evening. Dublin was divided into forty-eight sections, and a project was formed for separating each section from the adjoining ones by *chevaux de frise*. The state of confusion and alarm was aggravated by false rumours, evidently got up for a purpose, that an invasion from France was imminent; and so the reign of anarchy under the Union was in full swing.

CHAPTER VIII.

THE REGIUM DONUM.

BRIBERY and corruption, by persons in high places, seems to have found its most congenial encouragement in Ireland. It has been a perpetual bane there that certain portions of the population have been willing to betray their country and their brethren whenever any one came forward to bribe them to do so. Amongst the meanest and most contemptible of men who have been willing to sell their independence and honour, such as it is, for coarse bribes, the ministers of the Irish Presbyterians seem to have made themselves the worst kind of tools. Being in a small minority of the population, and being extremely jealous of Catholicism, they too naturally leaned towards any policy or movement that could possibly advance their relative position at the expense of anybody else opposed to Catholics. Under these circumstances, they directly or indirectly aided the forces of Charles II. in their raids upon Catholics, and they took care to make known to the government that they had rendered such aid. The consequence was that Charles II. caused £600 per annum of secret service money to be distributed amongst Irish Presbyterian ministers. Before the death of Charles the grant was discontinued, but William III. found it convenient to resume it in 1690, when it amounted to £1200 annually, and continued without intermission until 1723, when George I. augmented the annual amount; and it reached £2200 in 1784, and £5000 in 1792.

Throughout the movement for bringing about the Union, the Presbyterian clergy were constantly on the alert to turn events to their advantage. They kept up secret communications with Lord

Castlereagh, and, when the Union was effected, he was made the medium of their demands. It had been observed that the constitution of the Presbyterian Church, so far as its representative character was concerned, had a tendency towards republicanism, and the ministers, knowing this to be so, turned it to their own account by making representations to their noble friend on that special feature of the case. Hence we find, in 1802, Lord Castlereagh writing a long confidential letter to Mr. Addington, the Premier of the day, urging the claims of the Presbyterian clergy, who shamelessly offered to act as systematic traitors for a sufficient consideration. It appears that the Regium Donum, otherwise known as the King's Gift or Royal Bounty, had until then been handed to the Presbyterian Synod for distribution at the discretion of the Synod, and it was pointed out that the constitution of the Synod tended towards distributing the money with too little regard for individuals who had done best for the Crown. Such individuals, who had made themselves most conspicuous for vociferous loyalty, conceived that they were not sufficiently rewarded. So Lord Castlereagh, in his confidential letter, called them "our Union friends," and pointed out "how much may be done by an efficient protection and support given on the part of government to those who have committed themselves in support of the State against a democratic party in the Synod, several of whom, if not engaged in the rebellion, were deeply infected with its principles. Such a body as the Presbyterians of Ireland, though consequently a branch of the Church of Scotland, have partaken deeply, first of the popular and since of the democratic politics of the country, so as to be an object much more of jealousy than of support to the government. You will therefore infer that my opinion still continues strongly in favour of coupling regulation with the proposed increase of the Regium Donum. The distribution and government of the fund is a natural engine of authority. It has hitherto been exclusively in the Synod. To render it still more subservient to democracy, an attempt has lately been made to introduce the authority of the lay elders into its management."

Lord Castlereagh's alternative was to "Let it be an annual grant by the State to individuals by name, and not from the body of its members. That upon the appointment of a minister proper certificates of his character, etc., should be laid before the Lord Lieutenant, praying that his Majesty's accustomed bounty may be granted to him. The above requires that he shall not be entitled, *as of right*, to derive a provision from the State without furnishing government with satisfactory testimonials of his being a loyal subject. Though many bad men might find their way into the body, yet the impression that government might withdraw the provision would in time have a material influence on their conduct. This, together with the income itself making them less dependent on their congregations for subsistence, are the only means which suggest themselves to my mind for making this important class of dissenters better subjects than they have of late years proved themselves."

These suggestions of Lord Castlereagh were cordially concurred in by individuals amongst the Presbyterian clergy, who were glad enough to accept the means of being less dependent upon their congregations; and Mr. Alexander Knox, a friend of Lord Castlereagh, overflowed with a letter in which he wrote, "Government will have done more to promote peace and union in this grand outpost of the empire [Ulster] than ever was yet achieved, or could be achieved, by any other conceivable means. I speak from deep conviction when I make this assertion. I say more—this is perhaps a more favourable moment for forming a salutary connection between government and the Presbyterian body of Ulster than may again arrive. The republicanism of that part of Ireland is checked and repressed by the cruelties of Roman Catholics in the late rebellion, and by the despotism of Bonaparte. They are, therefore, in a humour for acquiescing in the views of government beyond what they ever were or (should the opportunity be missed) may be hereafter. How much, then, is it to be wished that while the tide of their wrong passions is so unusually low, a mound should be raised that will for ever after be a safe restraint to them.

These records are interesting in explanation of the Protestant loyalty of Presbyterian Ulster, the secret of which is thus disclosed. Henceforth the Regium Donum was openly given as a check upon the development of popular politics, and, as such, it has proved a "mound" too heavy to be shaken off by a people under the effective influence of a clergy who have not scorned to be thus bribed with what has since acquired the name of "ministers' money," which eventually reached an aggregate of about £40,000 per annum.

The Regium Donum was finally abolished by the same Act that disestablished the Irish Church. But every minister who was in receipt of any share of it at the time of the passing of that Act was secured by special provisions.

Every such minister became entitled to receive from the government commissioners an annuity for life so long as he remained a minister with the consent of the governing body to which he belonged at the passing of the Act, such annuity in each case being equal to the annual amount he was originally entitled to.

Every assistant successor of such ministers, who was in office as such at the passing of the Act, was by it entitled to obtain a deferred annuity to take effect upon his succession to the office of minister.

Every holder of any annuity or deferred annuity under the Act was by the Act entitled to commute his annuity for a capital sum equal to the estimated value of the annuity.

But ministers and assistant successors who were not in office, as such, respectively at the passing of the Act, have no right to payment of any kind in the Regium Donum, and it is expressly provided by the Act that they shall have no claim to compensation in any manner, as the grant ceases in every shape and form with the last survivor of the persons above referred to as in office at the passing of the Act.

Liberal as the provisions of the Act are for making the discontinuance of the Regium Donum as mild as it could be with any consistency the younger portion of the Presbyterian clergy, who have since succeeded to office, and who have become keenly aware of their exclusion from the prized bounty enjoyed by their predecessors, can never

forgive Mr. Gladstone for extending the principle of disestablishment to them. They and the congregations who, in consequence of their succession since the passing of the Act, have ceased to be subsidized as of old, evidently smart under what they consider a grievance, and hence it is easy to account for the increase of what they call "constitutional conservatism" in Ulster.

CHAPTER IX.

CATHOLIC DISCONTENTS.

FROM the Reformation till the year 1798, the Catholics had suffered exclusion from many official positions, and from opportunities of various kinds which were thus monopolized by Protestants. This was so throughout England and Scotland; but in those countries, in consequence of Catholics being a small minority, the resulting grievances were not made prominent. In Ireland, where the Catholics continued to be a large majority, the grievances were of a practical and irritating character, causing much discontent that urgently demanded a remedy. The law had been modified in some small degree relating to individual property, but in all matters of an official and social character the exclusion continued in full force. Pitt, amongst other devices for promoting the adoption of the Union, encouraged the idea that the United Parliament would pass laws for the relief of these Catholic grievances, and he permitted his name to be used as sanctioning the changes referred to. It is alleged that direct and indirect promises, hints, and anticipations were put forward by Pitt in such a way as to encourage a large proportion of Catholics to believe that he would promote a bill for Catholic relief as soon as the question of the Union was satisfactorily disposed of.

George III. had an inveterate objection to making concessions to Catholics, and it is pretty clear Pitt knew that perfectly well long before the Union, and hence it is concluded that his promise of Catholic relief was a deception practised to gain his ends with regard to the Union, and that he never meant to do what he is said to have promised. In order to escape from the dilemma, Pitt resigned. Other

motives for resignation are quoted, but there can be little doubt that was one of them. Whether really so or not, that was how he washed his hands of the obligation he had undertaken. The Catholics, who had been looking forward to his favourable action, were struck dumb by the resignation, and were unable to do anything whatever for some time.

The Catholic discontents increased, and on the 12th of May, 1804, Pitt again accepted office. The time that had elapsed had afforded him opportunity for reflection, and he now openly repudiated all obligation to legislate, or permit legislation, for the relief of the Catholics, who held various meetings and eventually drew up a petition to both Houses of Parliament. The petition was very long, and declared that the petitioners were steadfastly attached to the person, family, and government of their most gracious Sovereign. They showed that, by virtue of divers statutes in force, his Majesty's Roman Catholic subjects, who formed so great a proportion of the population of Ireland, and contributed so largely to the resources of the State, did yet labour under many incapacities, restraints, and privations, which affected them with peculiar severity in almost every station of life ; that more especially they were denied the capacity of sitting or voting in either of the honourable Houses of Parliament, the manifold evils consequent upon which incapacity they commented upon.

They were disabled from holding or exercising any corporate office whatsoever in the cities or towns in which they resided, and disqualified from holding or exercising the offices of sheriffs and sub-sheriffs, and various offices of trust, honour, and emolument in the State, in his Majesty's military and naval services, and in their native land.

They took the opportunity of declaring that they "renounce and abjure obedience and allegiance unto any other person claiming or pretending a right to the crown of this realm ; that they reject and detest, as unchristian and impious, the belief that it is lawful in any ways to injure any person or persons whatsoever, under the pretence

of their being heretics; and also that unchristian and impious principle that no faith is to be kept with heretics; and that they renounce, reject, and abjure the opinion that princes excommunicated by the Pope and council, or by any authority whatsoever, may be deposed or murdered by their subjects, or by any other person whatsoever; and they do not believe that the Pope of Rome, or any other foreign prince, prelate, state, or potentate hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence within this realm; and they firmly believe that no act in itself unjust, immoral, or wicked can ever be justified or excused by or under pretence or colour that it was done for the good of the Church, or in obedience to any ecclesiastical power whatsoever; and that it is no article of the Catholic faith, neither are they thereby required to believe or profess that the Pope is infallible, or that they are bound to any order, in its own nature immoral, although the Pope, or any ecclesiastical power, should issue or direct such order; and that, on the contrary, they hold that it would be sinful in them to pay any respect or obedience thereto; that they do not believe that any sin whatever committed by them can be forgiven at the mere will of any pope, or of any priest, or of any person or persons whatsoever, but that any person who receives absolution, without a sincere sorrow for such sin, and a firm and sincere resolution to avoid future guilt and to atone to God, so far from obtaining thereby any remission of his sin, incurs the additional guilt of violating a sacrament; and by the same solemn obligation, they are bound and firmly pledged to defend to the utmost of their power the settlement and arrangement of property in their country as established by the laws now in being; that they have disclaimed, disavowed, and solemnly abjured any intention to subvert the present Church establishment for the purpose of substituting a Catholic establishment in its stead; and that they have also solemnly sworn that they will not exercise any privilege to which they are or may become entitled, to disturb or weaken the Protestant religion or Protestant government in Ireland."

Such a declaration was scarcely likely to make a favourable impression upon either friends or opponents. If all the petitioners stated

was genuine, they might almost as well have turned Protestants at once, and so have effectually got over the difficulty, without humiliating themselves by signing such a statement.

Full as it was of manifest faults and weaknesses, the petition was presented in the House of Lords on the 25th of March, 1805, by Lord Grenville. It lay on the table (and was probably not read through by any peer or member of the Commons) until May 10, when Lord Grenville moved for a committee of the whole House on the subject. In doing so, he appeared to suggest that an injustice may be done to a minority with impunity, but ought not to be done to a majority ; for he said that "when this question is brought before you, you are not to consider it as we in this country are apt to look at the Roman Catholics—as a body of men, however respectable, small in number, and forming only an exception to the general mass of population ; but you are to consider that in that part of the United Kingdom called Ireland three-fourths of the population are of the description called Roman Catholics." He added that "means were devised by penalties, proscription, and disabilities, to drive the whole Catholic population from the island, or to reduce them to the state of a poor, ignorant, illiterate peasantry. Such was the principle, and never was a system more admirably calculated to produce the object it had in view. The effect of it was that those who were deprived of the benefit of education were kept in entire ignorance ; those who were excluded from acquiring property were left to languish in extreme poverty ; those who were persecuted, oppressed, and excluded from intercourse with their fellow-subjects, became altogether alienated from society ; and, in proportion, their minds were exasperated against their oppressors. If I had the least doubt of the detestation with which every individual in the country considers such a system, I should perhaps have avoided stating the fact."

Lord Grenville further pointed out that, no earlier than during the latter part of the eighteenth century, it had been necessary to pass an Act to enable Roman Catholics to intermarry with Protestants ; and after that time, before the Union, the wealth of Ireland had immensely

increased, and agriculture, commerce, and civilization advanced probably more than in any other country.

Lord Hawkesbury, in opposing the appointment of a committee, declared himself opposed to all further concessions to Catholics, pointing out what he conceived to be the danger of admitting to office and power men who were known to be opposed to the established religion of the State, and he expressed his opinion that they never would be satisfied until they had overthrown it.

Lord Redesdale expressed his opinion that to grant the objects of the petition would be to destroy the fundamental principles of the constitution of the country, which rested entirely on Protestant ascendancy. To place the two religions in Ireland on a perfectly equal footing would destroy all harmony between the two great divisions of the population, and would probably tend to a sanguinary civil war ; for the Catholic clergy would never remain quiet until the Protestants were expelled. He said the Catholic clergy were a great and compact body, a species of corporation, with all the forms and gradations of a distinct and firm government ; connected by no tie with the government of the country, and utterly incapable of being so connected ; standing in open defiance of the law ; exercising an authority which the law expressly forbade ; and representing those whom the law had placed in possession of the powers, the dignities, and emoluments of the National Church as usurpers of those powers, those dignities, and those emoluments. They represented themselves as the only lawful successors of the ancient clergy of Ireland, and required their flocks to consider them as the lawful owners of the ecclesiastical revenues, teaching them, even in their catechisms, that by the commandments of God the people were bound to pay their tithes to their lawful pastors, which pastors they represented themselves to be. The powers of the Roman Catholic clergy over their flocks were fully equal to their pretensions, and they exercised those powers without the control of the law of the land to which they were subject before the Reformation. Their authority was enforced by what his lordship called "the most dreadful of all means"—by the power of excommunication—a power very dif-

ferent from that possessed by the Established Church. Their sentence of excommunication had all the consequences which made it most dreadful in the dark ages. The wretched victim against whom it was denounced might starve if not relieved by the charity of Protestants. No Roman Catholic dared to have any communication with him. According to his lordship, excommunication in those days very much resembled the process better known in later times as Boycotting. The fear, he said, which such proceedings inspired, and the impossibility of obtaining any redress, was the true source of the extravagant power their clergy maintained over the Roman Catholics of Ireland ; a power much greater than was possessed by the clergy in any state in Europe where the Roman Catholic was the established religion of the country ; a power restrained by no law, subject to no control, and utterly inconsistent with the peace, order, and good government of any country ; a power which our ancestors, in times of the greatest bigotry, had dared to restrain by various legislative provisions.

With reference to the Protestant Church of Ireland at that time, his lordship asserted "the state of the Church in Ireland is truly deplorable." There were about two thousand four hundred parishes, which had been thrown, by unions (many of them very improper, and some very recently made) into about one thousand one hundred benefices, some of which extended over vast tracts of country. Many of the parishes had no church ; and this was the case of a parish in Dublin said to contain twenty thousand inhabitants. Many of the benefices had no glebe, the ancient glebe having been confounded with and lost in the lands of lay proprietors, so that it had become impossible to recover it for the use of the incumbent. Many more of the benefices had no glebe-house, so that the clergyman had no means of residence within his parish without building a glebe-house ; unfortunately, too, benefices in this deplorable state had been deemed the most desirable—a parish without a glebe-house, and (an almost necessary consequence) without a Protestant inhabitant. It appears, from what his lordship said, there were many clergymen who got emolu-

ments, but had no duties to perform, and that, in their pious zeal, they preferred that comfortable state of things.

But, above all, his lordship said it was necessary to make it safe for a Protestant to reside in every part of Ireland [presumably to give the beneficed clergy a healthier familiarity with their duties]. There were many districts in which a Protestant, unless a man of fortune or under peculiar circumstances of protection, would not venture to fix his residence. [It is precisely those men of fortune who are most deterred now.] In consequence, in many parts of Ireland a Protestant day-labourer was not to be found. There were handicraftsmen in towns, where they might be in some degree protected, and might protect each other ; but in many parts of the country, not a Protestant of the lower order could be found. This, his lordship said, principally arose from the influence of the Roman Catholic clergy, and the hatred which they excited in the minds of their people against the Protestants, as Englishmen and heretics, for both of which descriptions they used, in the Irish language, the same word.

His lordship cited the preceding facts to sustain the notion he put forward, that of the two religions, it was not the Catholic, but the Protestant, that had the stronger claim to a redress of grievances. The Protestant was, in truth, the persecuted religion in Ireland ; and to such a degree was Catholic intolerance carried, that, except in the north, few domestic servants of the Protestant persuasion could be found. Even in Protestant families, where there was a desire to have Protestant servants, it was found almost impossible to procure them, or to retain them if procured, unless all or nearly all the servants of the family were Protestants. Where the Roman Catholic servants had once gained the superiority, or where the upper servants were of that religion, the Protestants were soon compelled to quit their service, unless protected by the extraordinary exertions of the family, or under some very peculiar circumstances. The poorer Protestants had therefore great difficulties to contend with. Applications for benefits from charities in Dublin, established for putting poor children apprentice, were astonishingly numerous ; and the reason assigned by

those who applied was that they could not get employment for their children as domestic servants or labourers, and were therefore compelled to bring them up to handicraft trades. His lordship thus puts it upon exalted record that the domestic servant difficulty, which some people of the present day believe to be of recent growth, was as rampant at that time as at any time since, and the preference for handicraft occupations was one of the alleged reasons of the difficulty, just as it is now.

The Earl of Limerick is said to have opposed the Catholic petition with warmth, saying that the concessions sought, if granted, would agitate rather than tranquillize the country. To the Catholic noblemen and gentlemen it would be the offer of a bribe to be loyal; and as to the common people, he was persuaded it would not gain over a single peasant already tainted with disloyalty. His lordship, in his further remarks, disclosed the fact that, in those days, as ever since and now, the land question was really the root of popular discontent, and the close resemblance of the circumstances to those of later times is very remarkable. His lordship said that seats in Parliament and admission to the highest offices in the State (which the petition professed to be seeking) formed no part of the wishes of the Irish peasantry; they did not understand the subject, and did not care about it. The true question to be considered was, "Are we ready to sacrifice the whole Protestant and respectable Catholic property of the country *by the abolition of rents, and the perpetual grant of their farms to the present occupants?* Such are the terms, I know, which have been lately offered to the Irish peasantry by French emissaries; and if you mean to bid against them with any chance of success, you must not be outdone in the magnificence of your offers. You are the best judges whether you are willing to pay so high a price for their allegiance."

Many peers, including bishops, opposed the Catholic claims on similar grounds, but in less conspicuous terms. Lord Darnley was the principal supporter of the petition. In the end, the motion for the appointment of a committee was rejected by a House that remained sitting all night on the 13th of May, and divided at six o'clock

on the morning of the 14th, the majority being more than three to one.

Charles James Fox commenced the debate on the petition in the House of Commons on the 13th of May. His speech is made up of eloquent arguments, omitting reference to facts which he takes for granted.

The first reply to Fox was by a notorious Dr. Duigneau, who spoke for three hours. He repudiated the loyal sentiments of the petition, and said that no Catholic could take an oath from the obligations of which he could not at the will of a priest be released ; that the Catholics, notwithstanding the declarations to the contrary in the petition, really maintained no faith with heretics, and that they regarded as such every denomination of Christians but themselves ; and that it was impossible for a Catholic to be truly loyal to a Protestant king. None of the Catholic clergy had signed the petition, and they had refrained from doing so, or had refused, because they still maintained the obnoxious doctrines the petition denounced. He said the oath of supremacy, swearing that the King was the head of the Church, imported neither exclusion nor restriction to any but traitors.* He referred to the Catholic clergy forbidding their flocks to send their children to Protestant schools, and said the passing of a bill in accordance with the petition would let in a universal deluge of atheism, infidelity, and anarchy, violating the conditions of both the Scotch and the Irish unions, and it would be an insult to the King to tender such a bill for his signature.

Grattan replied. As an Irish Protestant, and being duly elected, he was entitled to his seat in the United Parliament, but he warmly supported the claims of the Catholics. He said that the question was one of emancipation or extermination. The partial adoption of the Catholics had failed, the eradication of the Catholics could not be attempted, the absolute incorporation alone remained. There was no other course. He continued : " You do not in your despatches to your generals send the Thirty-nine Articles ; you know the bigot and

* See a later chapter, " What it was all about."

the conqueror are incompatible. You know that no nation has long indulged in the exercise of the two qualities—bigotry to proscribe at home, ambition to disturb abroad. Such was your opinion when you established Popery in Canada. Suppose in Egypt the general had ordered the Catholics to go out of the ranks ; or if, in one of your sea fights, the admiral had ordered all the Catholics on shore, what had been the consequence ? As I recommend you to give the privileges, so I should recommend the Catholics to wait cheerfully and dutifully.” He bore testimony to the temper with which they bore the privation of power and privilege as evidence of their qualification. They would recollect the strength of their case which set them above impatience ; they would recollect the growth of their case from the time it was first agitated to the present moment, and in that growth perceive the perishable nature of the objection, and the immortal quality of the principle they contended for. Nothing could prevent the ultimate success of the Catholics but intemperance, for which they were too wise. The charges uttered against them they would answer by their allegiance.

Pitt said he observed with pleasure that the application made by the petitioners was not advanced as a claim of right, but of expediency. That was the ground upon which he felt the measure ought alone to be discussed, for he could not allow that at any time, under any circumstances, or under any possible situation of affairs, it ought to be discussed or entertained as a claim or question of right. He had never been one of those who ever held that the term emancipation was, in the smallest degree, applicable to the repeal of the few remaining penal statutes to which the Catholics were still liable. He declared he had never given a distinct pledge on the subject, and claimed to be perfectly free and unfettered about it, thus admitting inferentially that he had allowed his observations and his name to be used to suit the exigencies of the Union contest. He owned that he saw none of those dangers which were urged by some gentlemen, nor did he think the introduction of a certain proportion of Catholics into the Imperial Parliament would be likely to be productive of any

influence or effect detrimental or injurious to the welfare of the State, or the safety and security of the Constitution. But, he said, in delivering that frank opinion he did not mean wilfully to shut his eyes to the conviction that a Catholic, however honourable his intentions, must feel anxious to advance the interest of his religion ; it was in the very nature of man. The Catholic might disclaim and renounce this wish for a time [as the petition, in effect, did], but there was no man, who was at all acquainted with the operations of the human heart, who did not know that the Catholic must feel that anxiety whenever the power and the opportunity might be favourable. He was therefore of opinion that acceding to the petition without safeguards such as were not suggested by the petition, or by its friends, would be unwise. He could not accede to it without every regulation that could have given additional respect and influence to the Established Church, to the support and protection of the Protestant interests, and to the encouragement of every measure that could tend to propagate and spread the example of the Protestant religion.

Few speakers thought it worth while to support Pitt at any length, whereas many members eloquently supported Fox and the petition ; but, as has so often happened, the speeches tended in one direction and the voting decided in the other, by a majority of 336 to 124.

The whole episode is valuable as giving us in strong colours a sketch of many aspects of Irish life and sentiment in those days, and also as recording the grounds upon which Catholic claims were advocated and opposed. That they were weakly and unworthily advocated, the petition proves, and Pitt took substantial advantage of the weakness. That they were opposed on some preposterous grounds is illustrated most by Lord Redesdale, who, in effect, argued that because there were no Protestants in some districts, therefore a Protestant church ought to be maintained, and Protestant churches ought to be increased in number. Pitt, in ridiculing the idea of "emancipation," and in so prominently placing the argument solely upon grounds of expediency, while rejecting with scorn the argument of right, seems to have only strengthened the determination and called

forth the energies of those he thus challenged, who, in succeeding years, were able so successfully to cast his argument to the winds.

For the time being, however, all the Catholics got by their motion was another suspension of *habeas corpus*, and increased harshness of various kinds ; but they were so severely beaten in Parliament as to induce, for a time, apparent submission.

CHAPTER X.

CORRUPT PROSECUTIONS—JUSTICES FOX AND JOHNSON,
COBBETT, ETC.

THE north-west of Ireland was populated in those days chiefly by Catholics, who were for the most part dominated over by a few great Orange magnates, who had the magistrates under their control, and the whole people under their dominion, which was not gentle, but, as some say, savagely tyrannical.

Soon after the escapade of Emmett, Mr. Justice Fox went the north-west circuit in the ordinary course of his duties. In his charge to several of the grand juries, he referred to the insurrection of Emmett, and exhorted his hearers, amongst other things, to forget their religious animosities, by which the country had been so long weakened and divided. To the Protestant jurymen thus addressed, those words were interpreted to be a reflection that threw upon Protestant animosities the responsibility of much of the mischief that had arisen and was still going on, and he was resentfully regarded accordingly. At Enniskillen, the judge found that there were two names returned to him, Breslin and Maguire, against whom there was said to be no charge. He required the production of the orders of commitment. They were signed by the Earl of Enniskillen, and no offence was specified in either case, but in one of them was an order to keep Breslin in solitary confinement. The judge ordered the prisoners to be placed at the bar, upon which he was informed that they had been taken out of the jailor's custody by a military guard sent for the purpose. The judge inquired for Lord Enniskillen, and, being told that he was at Florence Court, his seat, only a short distance off, he sent a friend of his lordship to invite him to appear and explain the circum-

stances. The judge did this in the most courteous terms, and in the most considerate manner. The next day being the last of that assize, and Lord Enniskillen not having appeared, the judge waited as late as his official engagements would permit, and then felt it to be his duty to fine Lord Enniskillen £100 for each case, making £200 in all. In Fermanagh, Justice Fox found that a certain Mr. Stewart had committed Neale Ford without any charge on oath being made against him, and had released him on the eve of the assize without bail. For this the judge fined him £50. In another case Mr. Pallas and Mr. Webster had released without bail a prisoner who was charged with a capital offence, and the judge fined them £20 each.

About the same time, Judge Johnson, being on circuit in Donegal, had presented to him at Lifford an order for levying upon occupiers of land for a very large sum, under pretence of repaying the government money advanced to pay bounties to three hundred and fifty men, as authorized by an Act then in force. In consideration of such advance having been made, it was the duty of Lord Abercorn to recruit for the number of men named, but the judge elicited the fact that not one enlistment had been effected, and therefore that a gross fraud had been committed. Whereupon Judge Johnson refused to issue his fiat for levying the money, and publicly censured Lord Abercorn for neglect of duty.

The subsequent history of Breslin and Maguire is that, when taken from prison by the military guard, Breslin was hurried off by soldiers to a military prison, where, after a long detention, he was tried by court-martial on the charge (presumably false) of trying to seduce a soldier to desert, upon which charge he was sentenced to be hanged. He cut his throat to avoid the execution of the sentence, but the wound was not mortal, and he was hanged near Enniskillen, the rope being forced into the bleeding gash. Maguire, after being carried off by the military guard, was never heard of again, and it is believed he was murdered. What the offences really were for which those two men suffered such a cruel fate are not recorded; it is supposed they were both simply matters of private revenge.

During the next session of Parliament, in May 1804, Lord Abercorn (the great patron and favourite of the Orange Society of the north-west of Ireland) laid before the House of Lords charges against Judge Fox arising out of the foregoing occurrences. The Prime Minister, it is asserted, was bribed to permit this, and a special Act of Parliament was consequently passed, which empowered the House of Lords to try the case, though it had not been referred to that tribunal in any legal way. The charges were, amongst others trumped up for the purpose, that Judge Fox had been guilty of inflicting unjust fines and excessive fines, of partiality, of seeking to bring Lord Abercorn into contempt, casting censure on Lord Enniskillen, etc. Under these disgraceful pretences, Judge Fox was required to attend the House of Lords at Westminster; the so-called prosecution was conducted at the public expense to the amount of £30,000; the evidence was very voluminous, but entirely *ex parte*, no defence or cross-examination being permitted; and the whole lasted, with intervals, for three years, at the end of which time, a majority of the House, wearied and disgusted with the case, quashed the proceedings without coming to any decision. Judge Fox was thus legally and morally acquitted, and more than acquitted, as it was proved that he was a just judge, and had been persecuted for being so. But, unfortunately, the object of his cowardly and barbarous persecutors was gained. He was ruined in health and fortune; a memorable instance of the brutal injustice that has so often characterized the British Parliament with reference to Ireland.

At the same time, the enemies of Judge Johnson were on the watch to trip him up, and eventually his time came. *Cobbett's Political Register* was then a notable publication, and during November 1803 there appeared in it a series of letters purporting to come from an Irishman, and signed "Juverna," and severely criticising the conduct of Lord Redesdale and Lord Hardwicke in relation to several matters of public notoriety. The first of these letters was avowedly sent to Cobbett because no printer in Dublin dared to print it, in consequence of the corruption and intimidation of the press indulged in there under the inspiration of Lord Hardwicke. William Cobbett inserted the

letter without hesitation, and that and its successors so extremely exasperated Lord Hardwicke and the government that they twice prosecuted him for libel, and managed to inflict damages of £500. During the second trial a suspicion arose that the letters were written by Judge Johnson ; but proceedings were difficult, because there was no law by which offenders could be transferred from Ireland to England for trial. The offence having been committed in London, a prosecution could only take place there ; and, to meet the case, an *ex post facto* law was hurried through Parliament enabling the government to arrest Judge Johnson in Ireland and to bring him thence to London. Under the powers conferred by that Act he was arrested at his house near Dublin ; but he got a writ of *habeas corpus* and other legal machinery into operation which prevented his transport for some time, while the case was before the Dublin courts. At length, after he had resorted to every possible court in vain, he was transferred to London, and there tried before Lord Ellenborough in November 1805. A conviction of guilty was obtained, but judgment was not applied for, as, in common with Judge Fox, Judge Johnson was by that time officially disgraced as a judge, which satisfied the vindictiveness of his enemies, who were then magnanimous enough to give him retirement on a pension.

Immediately after these trials, events of great political importance occurred. Lord Castlereagh was eligible for election to the House of Commons, and had sat there for some time. On receiving the appointment of Colonial and War Secretary, he had to resign his seat for Down county, and, upon seeking re-election, he was defeated by Colonel Meade, and Lord Castlereagh had to accept one of the English pocket boroughs in the control of the government. Pitt, whose health and power had been notoriously declining for some time, took the defeat of Lord Castlereagh as a direct censure upon himself, and as evidence of his own increasing political weakness ; and it is believed that it assisted to hasten his death, which took place on the 23rd of January, 1806.

The immediately succeeding ministry was that of Fox and Lord

Grenville, and the accession of those men to power aroused Ireland to new political efforts, and inspired her people with fresh hopes. The government, ostensibly Whigs, soon proved to be Liberal, amongst the most prominent evidences of which was that the suspension of *habeas corpus* was allowed to lapse. The Catholics, as such, again began to struggle for emancipation. The inveterate opponents of the Union—Protestants as well as Catholics—began to hope that Fox would befriend them. But Fox proved to be too much engaged to be able to give much attention to Irish affairs. He had set his mind upon making peace with France, and chiefly devoted his energies in that direction, in the midst of which, and when apparently about to crown an honourable repute with tangible success, his career was cut short. In the same year he followed the shade of his great antagonist, and on the 13th of September Fox as well as Pitt had passed away, leaving the adherents of both, with reference to Ireland as to other affairs, in hopeless consternation and perplexity.

CHAPTER XI.

THE AGRARIAN CLOUD—ABSENTEES—MIDDLEMEN—
TITHE PROCTORS—THRESHERS.

LOOKING back at the history of Ireland during the early years of the nineteenth century, there appears amongst the political and personal troubles of the time a something too often treated as subordinate, the then already rising agrarian cloud appearing amongst the rest no bigger than a man's hand, but threatening to spread, as it has done, over the whole field of Irish affairs.

Conquest had given over immense tracts of the country to Englishmen—aliens in race, religion, and sympathies. For many reasons these new lords preferred to reside in England, either on their own separate English estates, or for the most part in London, paying only flying visits to their unhappy Irish estates—unhappy for them, unhappy for their tenants, unhappy for the whole country. Such visits as were thus paid, usually arose out of difficulties about rent, which was always precarious and often unattainable. All the circumstances naturally led to a system that has been a peculiar aggravation of Irish miseries. The absentee lords, pestered and enraged about rents, made the whole business over to agents, who have earned an unsavoury reputation as middlemen. They were not merely collectors of rent, but speculators in it. All the possible rents of the estate being made over to the middleman for a compounded lump sum, the landlord received that sum without further trouble or expense, and was usually well satisfied. The middleman was at liberty to get all the rent he could, all above the lump sum being his own, and became a speculator in the poverty and distress of the unfortunate people who were thus handed over to

his tender mercies. Landlords being usually unwilling to part with the control of their estates for prolonged periods, generally made their contracts with middlemen for only a limited number of years; and, as this deprived the middleman of any abiding interest in the estate, it was his policy to exact every farthing of rent he could while his time lasted, regardless of the future welfare of the tenants or the eventual value of the estate. It frequently happened, therefore, that while rents went rigorously up, the material value of the estate went hopelessly down. Higher rents had to be paid for occupations of diminishing value. The life of the tenants was one of perpetual struggle and exasperation. The absentee landlord probably did not know the real truth, and the middleman did not care so as his own fleeting opportunity was served. Many landlords who were not absentees found inducements for resorting to middlemen also, and the abominable system spread until it pervaded the whole country.

Tithes came in with their inevitable increase of exasperation. The modern tithe system is an excrescence upon any country, and the circumstances have, ever since the Reformation, been peculiarly monstrous with reference to Ireland. On the face of it, Catholics have been taxed ten per cent. of their entire produce, for the support of a Church they hated as the local embodiment of their conquerors' power. Ostensibly, the money went to support a clergy who, as shown out of the mouths of two candid witnesses in the previous chapter, had very often no church, no people, no duties to perform, no pretence of giving value for an income so infamously extorted. That was not all. In Ireland, as in England, the Church people of the middle ages—its bishops and pastors, and nameless hungry cormorants of the clerical persuasion—were permitted to commit flagrant sacrilege and spoliation of Church revenues by selling their tithes for capital sums to any one who would take the shameful speculation. Who had the capital sums, and who spent them, and how were they made away with for the personal aggrandisement of an unfaithful priesthood? To the eternal shame of past generations of statesmen, and to the discredit of modern premiers who are so lost to a sense of public decency as to look the

facts in the face without blushing, and without attempting to undo the disgrace, those iniquitous speculations have been sanctioned, and the descendants of the speculators have been confirmed in the possession of their unholy bargains, and hence we have to bear the burden of lay impropiators of tithes. In Ireland, the owners of tithes, whether lay or clerical, have been, during all modern times, in a peculiarly invidious position, and the shame and disgrace no less than the personal trouble and peril of exacting tithes have been the means of handing tithes over to middlemen as well as rents, the tithe middlemen being known as tithe proctors.

In 1806, the year in which Pitt and Fox died—in a year when so many events filled the voluminous pages of history as to reduce to apparent insignificance the cloud that thus looks so small in the past distance, while foreign complications and court intrigues occupied the statesmen and newspapers of the time—the Irish peasants were being goaded to frenzy by the increasing exactions of middlemen and tithe proctors combined. Commutation of tithes for a sum of money was not in vogue then, and money in lieu of the visible tenth was seldom offered or accepted, so the tithe-owner, clerical or lay, principal or proctor, had to claim, and appropriate, and carry away, and stack apart, the veritable tenth of corn and other produce to which he was legally entitled. A secret confederacy, called the Threshers, was formed, and was most active in the counties of Mayo, Sligo, Leitrim, and Roscommon. It was contended that in the late unprecedented rise in the tithes, beyond what had before been insisted upon, the profits of crops went almost entirely to the tithe proctor. Threatening letters, signed "Captain Thresher," were sent to lukewarm tenants, enjoining them not on any account to pay money compositions, but to leave their tithes in the fields. This had the effect of separately stacking the corn taken for tithe, and the Threshers usually assembled early in the morning and destroyed whatever tithe corn fell in their way. In the month of November succeeding the death of Fox, they took eleven stacks of tithe corn near Ballina that had been seized by a proctor, and strewed them along the road all the way into the town. They made

domiciliary visits both by night and day, at houses and cabins, for the purpose of procuring arms, which they eagerly took, but perpetrated no outrages upon unresisting persons. As the winter advanced the Threshers became so numerous and active that extraordinary exertions were made for their suppression. Large numbers were arrested and tried by a special commission—some were hanged ; and so died out the ephemeral movement of the Threshers, which merely remains upon record as a graphic illustration of the perpetual character of the land grievances of the country, and a dim forecast of things to come.

CHAPTER XII.

CATHOLIC RÉVIVALISM—DAWN OF O'CONNELL—MAY-
NOOTH COLLEGE IN THE ASCENDANT—"NO POPERY"
MANIFESTATIONS—MR. PERCEVAL IN OFFICE.

PITT and Fox had departed from the scene, but George III. was King. His notorious enmity against the Catholics survived, but they did not suffer that to render them entirely passive. As they gradually recovered from their signal defeat in 1803, they collected their forces afresh, and, forced into additional energy by the untimely death of Fox, they persevered in holding meetings in Dublin during the winter of 1806-7. These meetings were nominally illegal, but they managed to hold them without serious interruption, and eventually appointed a committee of twenty-one to draw up another petition. Amongst that committee we find mentioned for the first time the name of Daniel O'Connell, then in the preparatory stage of his eventful career, and the movement he then took part in was mild enough to prevent any suspicion of ulterior designs of any magnitude.

The petition agreed upon by O'Connell, in conjunction with that committee of his first confederates, merely complained that the Catholics were excluded from many of the most important offices of trust, power, and emolument in the country, whereby they were made to appear like aliens and strangers in their native land; that not less than four-fifths of the inhabitants were made a distinct people, and placed in a position of degrading inferiority towards the rest, and that from the uniform and peaceable behaviour of the Roman Catholics of Ireland for a long series of years, it appeared reasonable and expedient

to relax the disabilities and incapacities under which they laboured ; and that it must tend not only to the cultivation and improvement of the kingdom, but to the prosperity and strength of all his Majesty's dominions, that his Majesty's subjects of all denominations should enjoy the blessings of a free constitution, and should be bound to each other by mutual interest and mutual affection.

This petition was presented by the Earl of Fingall and Mr. Grattan, and caused consternation amongst the ministers, of whom Lord Grenville was still the head, and amongst whom Fox, though dead in the body, was alive in the spirit. The ministerial difficulty arose from a conflict of circumstances. A majority of the Cabinet were in favour of making concessions, but they were aware they would not be assented to by the King. They, in common with some historians of the day, probably believed the King was mad ; while the Opposition, with some other historians, probably thought he was never more sensible. Under the perplexing circumstances, ministers tried a compromise.

Maynooth College, from that time, comes into prominence. The early policy of the English government having been to degrade the Catholics into the greatest ignorance by placing every possible obstacle in the way of Catholic education in Ireland, the natural result was that Catholic parents and Catholic youth, where there was any ambition to acquire scholastic distinction, were compelled to resort to continental countries, especially France, for opportunities of education denied to them at home. The French Revolution introduced a new element. It was observed that young men, seeking education, went abroad Irish Catholics and possibly royalists, and often came home French freethinkers and probably republicans. To obviate this, the English government of 1795 not only granted permission for the superior education of Catholics, but established and endowed the Roman Catholic College of Maynooth, the real object being, not so much to educate Catholics as to keep out French principles, which had been imported in consequence of divinity students resorting to Paris, where they were too apt to learn matters not expedient to be known in Ireland ; amongst other things (poor misguided youths !),

that it was not so very miserable for every man to be his own landlord, and that country people really could be pretty comfortable even without paying tithes. So Maynooth College was established, and Maynooth College was endowed, and the compromise resorted to by Lord Grenville was to again augment the endowment from £8,000 to the very considerable amount of £13,000. Upon this Mr. Perceval came prominently upon the scene, and opposes the increase with all his might, and the government was hard put to it to defend their proposal. Lord Howick, in his advocacy of the increase, disclosed its real motive with charming candour. He said it was on the large principle of connecting the Irish Catholic with the State, and that it was particularly necessary just then to promote the domestic education of the Catholic clergy, as an institution of great extent had been formed at Paris, at the head of which was a Dr. Walsh, a person of considerable notoriety, with a view to re-establish the practice of Irish Catholic education at that place, and to make that education the channel of introducing and extending the political influence of the French Government in Ireland. These arguments prevailed, and the increased amount was granted.

Thereupon Mr. Perceval got up a "No Popery" agitation, in the midst of which ministers ventured, in a spirit of further concession to the petitioners, to introduce the "Catholic Officers Bill," to enable Catholics to hold commissions in the army and navy. To Mr. Perceval, this was *too* atrocious. He continued his agitation with renewed vigour, advertised in the newspapers that the Church was in danger, communicated his sentiments to the Dukes of York and Cumberland, who, with Lord Eldon in complete harmony, aroused the King to such a wakefulness concerning public affairs that he actually inquired of Lord Howick, "What is going on in the House of Commons?" On Lord Howick saying that the "Catholic Officers Bill" was to go on, he expressed his dislike of the measure, and, next day, his Majesty said he must look out for new servants, and afterwards call upon them to resign. Ministers offered to drop the objectionable bill, but that would not satisfy his Majesty. He proved his madness or good,

sense to such a degree that he required ministers, as a condition of remaining in office, to pledge themselves that they would never more bring forward any measure respecting papists. They declined to give the pledge, and they were immediately superseded by Lord Liverpool, Mr. Perceval, as a reward for his disinterested Protestant enthusiasm, becoming Chancellor of the Exchequer, with Eldon for Lord Chancellor, Castlereagh as Minister of War, the Duke of Richmond Lord Lieutenant of Ireland, and Sir Arthur Wellesley (afterwards Duke of Wellington) as Chief Secretary.

This was a bad time for Catholics. They were accused of complicity with the Threshers (though there is reason to conclude that neither was in the least associated with the other), referred to in the last chapter, and were given to understand that they must submit. To put down Threshers and Catholics, and to carry matters generally with as high a hand as possible, another Insurrection Act and another Arms Act, and other like lively government, carried events on until 1810, and so the first decade of the Union was nearly got over.

CHAPTER XIII.

FIRST NOTE OF REPEAL.

FOR nearly ten years the United Parliament had had all the power and responsibility of governing or misgoverning Ireland. The Irish people had never sanctioned the Union, and had never lost an opportunity of protesting against it ; but it is very remarkable that, until the tenth year of the century, no distinct effort was made to repeal the Union. There had been the wild and undisciplined, and comparatively harmless, explosion of the unsubstantial bubble blown by Emmett, but there is no reliable evidence that his efforts were approved of by any substantial portion of the nation, as his adherents were limited to a mere handful of restless spirits ; and his followers, so far as he had any, were nameless waifs, destitute of power to do anything worth speaking of, and almost as destitute of any tangible conviction of what they wanted, or how they proposed to get it. Emmett's movement was the blind, helpless upheaval of a remnant of suffering humanity, without coherence or definite purpose, unredeemed by the avowed approval of anybody entitled to represent any influential portion of the nation, and may be pronounced out of the argument.

So far from seriously proposing to repeal the Union, the leading Catholics, whatever they may have thought, disavowed any such object, and appeared to regard the subject with complacent indifference. They virtually stated in their petitions that if the special grievances they complained of were redressed, they were not unwilling to accept the redress from any quarter. They, in effect, declared their entire willingness to be governed by the United Parliament, if such government proved to be better or even as good as that of the Irish Parliament had

been. For this they, so far, had waited patiently, and had expressed their willingness to wait, only venturing to point out the direction in which they conceived government in order to be good must essentially go. In like manner the Threshers and others who suffered from purely agrarian grievances, altogether apart from religion, did not propose to repeal the Union or seek to do so. Groping in the darkness of ignorance and misery, they only sought to prevent or avenge hardships that occurred within their own circle of suffering or observation. They were obviously quite willing to accept remedies if they could get them, from any one who would grant them, Irish or English, it mattered not to them whom.

Catholics and Threshers alike had nearly ten years in which to learn the bitter truth, or to have it confirmed if sufficiently appreciated before, that the English notion of good government of Ireland was to make her more and more subservient to English interests—to make Ireland the helpless field for English government patronage and English commercial enterprise. In the former connection, the flower of the Irish nation was being corrupted by the bribery of place and emoluments; in the latter, the circumstances of the Union, in their very essence and inevitable tendency, perpetually depreciated, and placed at a hopeless disadvantage, Irish manufacturing and commercial enterprise of every description.

In the summer of 1810, immediately after the rejection of another Catholic petition, the Corporation of Dublin (of necessity, then, an exclusively Protestant body) sounded the first serious note of repeal; and, after many deliberations, determined to move in earnest with that object. As a result of those preliminaries, on the 8th of August a requisition was signed by twelve of the grand jurors of Dublin, in the following terms: "We, the undersigned, late Quarter Session grand jurors of Dublin, viewing the distressed and deplorable state of our manufactures in every branch, and the city and nation in general, do feel ourselves called upon to point out what we conceive the only mode of radical relief from the general gloom and misery that pervades this unfortunate land, which is to request, and we do hereby

request, the high sheriffs to call a meeting, as soon as possible, of the freemen and freeholders of this city, to prepare a humble petition to his Majesty and the Parliament, praying for a repeal of the Act of Union; as, in common with all our unbiassed countrymen, we look upon that Act as the root and origin of all our misfortunes." This historical document was succeeded by another, signed by 140 freeholders: "We, the undersigned freemen and freeholders of the city of Dublin, do request Sir Edward Stanley and Sir James Riddell, Knights, High Sheriffs of this city, to call a meeting of the freemen and freeholders, at as early a day as possible, to take into consideration the necessity that exists for presenting a petition to his Majesty and the Imperial Parliament for a repeal of the Act of Union."

Sir Edward Stanley, in a courteous letter, declined to call the proposed meeting, on the ground that he considered the object unlikely to be obtained, and therefore a needless agitation of the public mind; but it is remarkable that he does not hint that the repeal, if attainable, is not desirable. Sir James Riddell responded by calling the meeting in due form, to be held at the Royal Exchange, on the 18th of September, saying that, relying upon the sense of decorum and proper temper of the citizens, he should not provide a special guard to keep order.

The meeting was held accordingly, Sir James Riddell presiding. There was an immense assemblage of freeholders and freemen of Dublin. Mr. Hutton had the honour of opening the proceedings, and he was followed, amongst others, by Daniel O'Connell, who said that the Union had been carried by the foulest corruption; by sowing dissension between Irishmen; by dividing Irishmen from each other; by separating the Protestant from the Catholic; by setting the Presbyterian against his fellow-countrymen; by calumniating them; by telling them constantly that they hated each other, so that at last they were almost led to believe it. If the country was represented fully in the Imperial Parliament, what could their united talents do against five hundred and fifty? Would they be able to control such a force, who knew nothing of them, and cared less? Twenty of Ireland's repre-

sentatives knew Ireland only by name, and Ireland was not adequately represented. The business of England was too unwieldy ; she could not manage both. The English administration could not do the business of Ireland, of which they had no sufficient knowledge. He said : " Let the Union be only repealed, and then the country will be truly anti-Gallican. You will then concentrate the resources of Ireland, and then alone you will have Church and State in safety. Let me conjure you to begin this glorious career by rejecting all religious distinction ; crush to the earth the hydra of hell, clothed in the stolen garb of religion—religious dissension."

Nothing is more noticeable in this chief speech of the meeting than the entire absence of appeals in favour of Catholicism. The whole tone of it is the reverse. It is an impeachment of the Union and of English rule, on the ground that the Union was objectionable in theory, and had proved to be equally objectionable in practice ; on the ground of being not so much Protestant as incapable ; on the ground that it was impossible for Ireland ever to attain to a sufficient proportion of representation in the English Parliament to give it due weight there ; on the ground that the Union had been forced upon Ireland, had been submitted to under protest, had been fairly tried, and had failed—disastrously for Ireland and ignominiously for England. In all this, Catholic emancipation finds no place. The meeting was a sensible and sound recognition of the truth that the real basis of Irish grievance and trouble, as against England, is not religious and sentimental, as some interested persons would have it supposed ; but, far more practical, deep down at the very foundations of physical life and its material necessities.

This is again proved by the petition that was agreed upon, which said, with reference to the Union, that it " has now been put to the decisive test of experience," and that it had not in any degree fulfilled, and was not calculated to fulfil, its promise of benefit to Ireland, and that the affairs of Ireland were neglected and mismanaged, or her interest entirely disregarded, because the promises officially announced to Ireland by the British minister, as the grounds upon which he

ventured to propose the Union, and which, though not inserted among its articles, were considered by the Irish people as equally binding, were forgotten by him, disowned by his successor, and disregarded by the Imperial Parliament. The people of Ireland could only look to the repeal of the legislative union as the efficient means of procuring its present relief, securing its future prosperity [not religion], and securing its permanent connexion with Great Britain. Thus it is shown that separate legislation was not regarded, in any sense, as the phrase of to-day has it, "a dismemberment of the empire."

The government, it is said, anticipated that the meeting when this petition was agreed upon would end in a riot, for which military forces were got into readiness ; but, on the contrary, the meeting separated in the greatest order, there being no act of violence recorded. Possibly this is why the movement came to nothing at the time. It was too quiet to influence the dull routine of what has come to be called "practical politics." Had there been a little blood-letting, and half a dozen people killed at the time, and two or three more hanged afterwards, so as to get well into the papers, something might speedily have come of it. As it was, it was too late to get the petition presented that year. During the autumn and winter the energies of the Dublin corporation had flagged ; the meeting which had evinced so much determination came to nothing, and the petition was never presented. The episode seems to be good evidence to sustain those who regard peaceful procedure as a mere waste of time, and is calculated to force upon acceptance the dictum that violence is the true course to pursue. On the other hand, it has been pointed out that the leaders of the movement probably arrived at the same conclusion as Sir Edward Stanley had, that repeal was too unlikely of attainment to make it worth while agitating for, at any rate, just then. Probably it had occurred to reflecting men that the impoverishment of the Irish was merely the measure of a corresponding profit to England, and that such was the specific object for which England had demanded, contrived, and accomplished the Union, which was too material a gain to the more populous country to admit of it being relinquished without

a desperate struggle, for which the Protestant leaders were not prepared. For all that, abortive as the movement was, so far as its immediate proposals were concerned, it had the effect of crystallizing the idea of repeal in the Irish mind, where it is this day regarded as the jewel of greatest price, desired and yearned for by every class of an almost unanimous people—the guiding star of every subordinate movement that has arisen since.

CHAPTER XIV.

RENEWED CATHOLIC STRUGGLES—GOVERNMENT PROSECUTIONS — PARLIAMENTARY PROCEEDINGS — THE ASSASSINATION OF MR. PERCEVAL.

IT was perceived that while repeal would probably cost England much material gain, that could not be relinquished without a fierce struggle, Catholic emancipation might be comparatively easy, because it would cost England nothing material, and only the sacrifice of a little frothy sentiment for which the bulk of the monied classes cared very little. Therefore it occurred to O'Connell that, though he would prefer repeal on the lines laid down in his Dublin speech, he keenly appreciated the material character and magnitude of that proposal, and thought it more judicious to move for it indirectly by making Catholic emancipation the stepping-stone.

The Convention Act gave the power to the government of stopping the meetings of the Catholic committee ; but as they were conducted quietly, and not ostensibly for sedition, there was considerable hesitation in enforcing the Act. Some furtive attempts were made early in 1811 to prevent the meetings, but they were not persevered in. Daniel O'Connell was quietly making himself a recognized power in that connexion, and from that time his power expanded. In March, the conduct of the Irish government was brought before the House of Commons, and on the 31st of May another Catholic petition was presented, and as usual was rejected by a large majority. This petition was presented by Mr. Grattan. Mr. Hutchinson moved for the repeal of the Convention Act. The Mr. Parnell of those days moved a second time for an inquiry into the Irish tithe system.

All these motions were defeated, but government became alarmed, and determined to strike a blow at the Catholic committee. It was arranged that it should consist of delegates from each county, and that brought it under the Convention Act. Early in the summer preparations were accordingly made for the election of the Catholic delegates, and the government issued a proclamation in which the proceedings of the Catholic committee were described, and it was declared to be the intention of the government to enforce the penalties of the law against all persons who should proceed to elect deputies, managers, or delegates to the Catholic committee. This proclamation was resisted by the magistrates in many parts of the country, on the ground that it was contrary to the intentions of the Convention Act; and magistrates who did not go so far were generally very lukewarm on the subject. Consequently, the election of delegates proceeded, and was completed almost everywhere except in Dublin. There the government, under a warrant of Lord Chief Justice Downes, arrested Mr. Taaffe, a partner in the bank of Lord Ffrench and Co., and Mr. Kirwan, a Dublin merchant, and three other persons, for acting as electors of delegates. They were all released on bail, but great excitement resulted all over Ireland. Protestants joined with Catholics in opposition to the action of the government. A bungling attempt to stop and disperse the first meeting of delegates on the 19th of October entirely fell through. In November the Irish Attorney-General filed informations against the Earl of Fingall for presiding over meetings of the committee, against several persons for attending them, and against the proprietors of the *Freeman's Journal* and the *Correspondent* for publishing reports of their proceedings, and Mr. Magee of the *Dublin Evening Post* for a comment upon government proceedings. The government offered to stop proceedings if the Catholic committee would discontinue its meetings. The reply to the offer was a great public banquet in Dublin, attended by many peers and other Catholics, and also by numerous Protestants, including Curran and Grattan.

On the 23rd December there was another full meeting of the Catholic

Committee at the Fishamble Street Theatre. Lord Fingall presided. As soon as proceedings commenced Mr. Hare, a magistrate, with many explanations and apologies, called upon the meeting to disperse, and the chairman to leave the chair. Lord Fingall and Lord Netterville were successively arrested for occupying the chair, but as the meeting then dispersed the two lords were released. A public meeting was soon after held, at which resolutions of protest were unanimously passed. But, after a jury had acquitted Dr. Sheridan, the government succeeded in convicting Mr. Kirwan of acting as a delegate. He was punished with only a nominal penalty, but this and other government proceedings did for that time stay the Catholic organization.

George the Third was still King ; but, in October 1811, he became so incapable that his place was practically taken by the Prince Regent. The objections of the King had been often made the excuse of ministers for putting off Catholic relief, and it was therefore hoped that his removal from active participation in the government would be advantageous to the Catholics. The Prince Regent had frequently sought to cultivate the good opinion of Catholics of high rank by promising that when he attained to real power he would promote their views. This he undertook, especially in 1806, and on many other occasions, but the Catholics soon found a practical illustration of the wisdom of the injunction, "Put not your trust in princes." The first fruits of the Regent's accession to power were the previously described prosecutions, and upon being reminded of his numerous pledges, he declined to act upon them. At that time the Marchioness of Hertford had great influence over him, and she is said to have declared herself unable to reconcile her conscience to the thought of conceding any right to persons who believed in seven sacraments !

The Regent, for these or other reasons, contrary to all his former pledges, encouraged a policy inimical to the Catholics, and for that purpose retained Mr. Perceval as his Prime Minister. On the meeting of Parliament, very early in 1812, immediate notices were given of motions on the state of Ireland, especially with reference to the dis-

abilities of Catholics. Earl Fitzwilliam in the Lords on the 31st of January, and Lord Morpeth in the Commons on the 3rd of February, respectively opened debates which were considerably prolonged. In both Houses a decisive majority pronounced against the Catholic claims ; and as all the leading statesmen of the day had earnestly taken part in the discussion, the result was considered at the time to have seriously damaged the Catholic cause.

Statesmen who were rightly convinced that the Catholic grievances, so long as they lasted, would never cease to cause serious evils, sought to compromise matters, and the Regent was induced to entertain the idea of inviting Lords Grey, Erskine, and Bedford to form a new ministry ; but counsels prevailed against those noblemen, and Mr. Perceval continued to enjoy office in the full confidence of the Regent. Notwithstanding this, petitions poured in, not only from Ireland, but from all parts of England—not only from Catholics, but from Protestants in considerable numbers ; and on the 21st of April Lord Donoughmore moved in the Lords an order of the day to take into consideration the claims of the Catholics. The debate that ensued was remarkable for the part in favour of the Catholics taken by the Duke of Sussex. On the 23rd of April Mr. Grattan moved a similar order of the day in the Commons ; and so, twice in one session, Catholic Ireland delayed the course of legislation. At the end of both these second debates, the champions of the Catholics were again defeated,—in the Lords by 174 to 102, in the Commons by 300 to 215.

Mr. Grattan, whose motion was thus defeated in the Commons, is described as having risen by the power of his abilities alone. In person he was extremely diminutive and ungraceful. He had a disagreeably yellow countenance, disfigured by ravages of smallpox ; a chin remarkably long, angular, and the reverse of handsome. In carriage he was singularly ungraceful, and from having got into a habit when young of not setting his heels to the ground when walking, he acquired the soubriquet of “the elastic boy.” In dress he was exceedingly slovenly and careless. The debate he initiated on this occasion included a curious passage illustrative of the character of

personages of the day. Mr. Stuart Wortley asked whether it was the fact that the Prince of Wales, before he had become Regent, had commissioned Mr. Ponsonby and the Duke of Bedford to intimate to the Catholics of Ireland that his (the Regent's) sympathies were strongly with them. Mr. Ponsonby replied that such was unquestionably the case. The answer is a confirmation of the duplicity of the Regent.

Subsequent occurrences in the same session proved that the majority in both houses continued compact, and immovably determined to resist everything the Catholics could urge in favour of their emancipation. But the precise state of parties during the earlier portion of the session was destined to be rudely shattered by a tragic event. On the 11th of May, 1812, about five in the afternoon, as Mr. Perceval was entering the lobby of the House of Commons, a man named Bellingham fired a pistol, the ball from which pierced Mr. Perceval's heart, and he instantly expired. The assassin made no attempt to escape. He was a Liverpool broker, trading with Russia, who, having sustained some losses and injuries, which he had vainly applied to the government to redress, determined to avenge himself by taking the life of the Prime Minister. Thus ended the Right Hon. Spencer Perceval, second son of the Earl of Egmont, and with him fell his ministry also. On many accounts it is fortunate that Bellingham was not an Irish Catholic, and the cause of his mania was beyond all doubt what he avowed it to be, otherwise history would have been encumbered with additional painful complications. It has been said of Mr. Perceval that his death was rather a private than a public loss. The Marquis of Wellesley, his Foreign Secretary, had the candour afterwards to say, "With all my respect for the virtues and excellences of the late minister, I still feel it my duty to say that I did not consider him a fit man to lead the councils of this great empire." There is no doubt, however, that he helped to make some Irish history, and that his sudden death tended to recast events so far as Ireland was and is concerned.

CHAPTER XV.

THE OUTRAGE PERIOD INITIATED—O'CONNELL IN THE
ASCENDANT—THE FIRST DASH OF CONCESSION—
GRATTAN'S TRIUMPH AND DEFEAT—THE VETO.

IRELAND seems to have been prolific of acts of personal violence ever since it had a history, and presumably in prehistoric times also. A lively body in a lively mind, acting under a lively sense of personal wrong, and stimulated by a lively imagination concerning personal rights, seems to have been a lively combination of circumstances calculated to promote resort to a little lively physical force in all the Irish ages. Very little would seem to be enough to develop such tendencies into wholesale quantities.

As far as Ireland knew and could, Ireland had opposed and protested against the Union—had sought to cajole or extort from the Union a recognition of religious equality—had striven for a repeal of the Union—had groaned and struggled under its galling yoke to induce such modifications of unsuitable land laws as might be expected to relieve the pressure of the landlord upon the struggling tenants. These things had been done constitutionally. The Union Parliament had been repeatedly appealed to upon every leading point of recognized law, and the reply of the Union Parliament had been in effect, "We shall do by you what we think proper, and how and when we think proper. We have got you under our heel, and, for our own convenience, we mean to keep you there, and to teach you to know your place. Whether it is for your welfare or otherwise is a matter of indifference to us, as our own welfare and gratification are the first considerations; your only chance being to make the best you can of your misfortunes

by cheerfully contributing to our aggrandisement. As for resistance to our heavy heel, or appeals to our unfeeling heart, the more you resist and the more you appeal the more we shall seek to keep you in conscious subjection." That was the Irish view of the case.

Disguise it how we may, that had always been the tone of the majority of the United Parliament, where Ireland was taunted with a pretence of representation by means of a powerless minority, with nothing but the right of registering the decrees of the adverse majority. To this the Irish had opposed every legitimate form of resistance. In the great rebellion that culminated in 1798 they had exhausted the last hope of regular military resistance. With the exception of Emmett's abortive project, nothing more had been tried in that direction. They had petitioned in the humblest terms over and over again. They had held meetings, and recorded the facts, and their just dissatisfaction with them. No one, not even leading English statesmen, denied the facts or disputed the hardship of them, but instead of redress the policy was coercion.

Under these circumstances, it is not surprising that the worst passions were cultivated in the popular mind; and it was inevitable that the outcome would be resistance, and appeal by secret and underhand resort to that personal violence that seems to have been indigenous and openly cultivated in all time. We have the record of the dark doings of the Threshers, but that was limited to a small part of the country. It was reserved for a later time to witness the cultivation and spread of revengeful sentiments, and their barbarous gratification, throughout the land—sentiments and barbarisms, the noxious weeds propagated by a hateful government in a too prolific soil.

Violence, for the sake of robbery alone, is so rare in Ireland that it would seem as though the criminal instincts of the population had been so much absorbed by revengeful outrage as to put mere robbery in the background. But a startling exception to the rule occurred in 1812. On the 4th of April the Newry coach (sarcastically called a "fly" coach) was stopped by a band of armed men, who fired into the coach (apparently with blank charges only, for no one was wounded),

and required the passengers to alight, handing them out, it would seem, with a certain degree of grim politeness of action, but accompanying the action by imprecations and violent threats as to what would occur if the passengers did not deliver up all they possessed. Two of the unfortunate passengers, Mrs. Hamilton and her daughter, were compelled to kneel down in the road on pain of being shot for not doing so. The result was that all the passengers' money, watches, trinkets, and superfluous clothes were plundered. It is said that one of the passengers lost two hundred pounds, another six hundred, and in all the booty was estimated at two thousand pounds' worth of property. In the midst of this, it is authentically recorded that one of the attacking party endeavoured to prevent robbery, declaring he would not allow the baggage to be touched. Other counsels prevailed, or the temptation was too strong for counsel; but it is evident the original cause of the attack was not plunder, though there is no record of any other motive; and whatever it was, it was eclipsed in public estimation by the magnitude of the robbery. Be that as it may, this prominent occurrence is regarded as the forerunner of violent outrages that afterwards became so peculiarly systematic throughout Ireland. It seems ridiculous to suppose that the various similar outrages, immediately succeeding that one happening to the passengers of the Newry coach, could have influenced political parties; but it is the earliest evidence that, accidentally or as a consequence, concessions to Ireland have usually, or always, succeeded or arisen out of widespread acts of personal violence.

In the very same month in which that outrage occurred, the United Parliament, as we have seen, rejected the Catholic claims by immense majorities. Apparently in imitation of the Newry coach affair, personal outrages rapidly multiplied throughout Ireland. In the succeeding summer a vast change was wrought. Lord Liverpool's ministry had succeeded that of Mr. Perceval. The Catholics of Ireland, though their convention was finally crushed, continued to hold aggregate meetings, and powerfully influenced the country. Their acknowledged leading champions at that time were Hussey O'Flannagan and Gorman

O'Grady, but the moving spirit was beginning to be recognized in Daniel O'Connell. He, the son of a small landed proprietor in Kerry, was born August 6, 1775. He was educated at the Catholic College of St. Omer and at the Irish seminary at Douay. He was at first intended for the Church ; but as admission to the bar was conceded to Catholics in 1792, he was induced to become a barrister in 1798. His education not only made him intensely Catholic, but also anti-republican, so that he was not encumbered with those republican leanings that proved such serious obstacles, under the circumstances, to some of his patriotic contemporaries.

George Canning was just in his prime, and he, being strongly in favour of concessions, was deeply moved by the spirit-stirring reports that reached him of the Catholic speeches, the most effective of which were delivered at a great meeting of Catholics held in Dublin on the 18th of June, 1812. On the 22nd of the same month, after the reports of the Dublin meeting had reached London, Mr. Canning moved in the House of Commons "that the House will, early in the next session of Parliament, take into its most serious consideration the state of the laws affecting his Majesty's Roman Catholic subjects in England and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his Majesty's subjects." Strikingly in contrast with the decision of the same Parliament in the previous spring, Canning's resolution was carried by 235 to 106. In the House of Lords a similar motion was brought forward by the Marquis of Wellesley. It was expressly opposed by Lord Eldon, and was rejected by a majority of one ! This was regarded as a virtual defeat of the government. The Catholics were greatly elated, and the government was correspondingly alarmed, so the country was appealed to, and the ministry obtained an increased majority, it being evident that the subject of the war with France completely eclipsed the Catholic question in the estimation of most of the constituencies.

One of the first acts of the government under the new Parliament

was the prosecution of Mr. Maghee, of the *Dublin Evening Post*, wherein there had appeared a tirade against the Lord Lieutenant, then the Duke of Richmond. O'Connell defended Maghee in a speech that powerfully impeached the Lord Lieutenant, the judges, the jury, and the witnesses. Maghee being found guilty, and released under sureties to come up for judgment when called upon, published O'Connell's speech, which was considered such an aggravation of his offence that he was sentenced to pay a fine of £500, to be imprisoned in Kilmainham gaol for two years, and to give heavy security to keep the peace for seven years afterwards.

During these proceedings in Dublin, both parties were busily preparing petitions to Parliament, those in favour of the Catholics being about equally successful with those who were opposed to their claims. What was previously called the Catholic Committee was now called the Catholic Board, and in 1813 it met at the Exchange Rooms, and became daily more prominent, being characterized by speeches of increasing boldness. The Orange boys of the university combined to disturb the meetings, but they were defeated in their efforts, mainly, as O'Connell afterwards acknowledged, by the coal-porters, who rallied in support of the meetings, doing the "rough work," and eventually threatening to throw the students into the Liffey if they interrupted any more, and they never did again. The English Catholics, and some of their Protestant friends, also began to hold meetings about this time. Encouraged by such manifestations, and by recollections of the victory of Canning in the previous year, Grattan, with the concurrence of Canning, on the 25th of February, 1813, moved for a committee to take into consideration the Catholic claims. After a debate of four days, Grattan being materially aided by the petitions in his favour which were rolling in, the House, at the end of an extremely prolonged sitting, divided at four o'clock on the 2nd of March, and the motion was carried by a majority of 264 against 224, on the faith of which Mr. Grattan moved certain resolutions, which were also carried by 186 to 119. Elated with his success, Grattan introduced a bill on the 30th of April, which bill provided that Catholics might sit in Parliament

and hold certain offices—excepting those of Lord Chancellor or Lord Lieutenant. But the Parliament that was willing to pass abstract resolutions, viewed the matter in a very different light when practical legislation on the same lines was submitted to it. The bill was bitterly opposed, especially by Dr. Duigneau; it passed the second reading by a majority of forty-two, but it was destroyed by amendments, and eventually withdrawn, to the great joy of the government. So qualified was the support accorded to the Catholics that even Canning moved amendments that assisted in Grattan's final defeat.

As usual, the Catholic Board resumed its meetings with renewed vigour; and at a meeting held in the Fishamble Theatre, O'Connell made the first of the long series of speeches that have usually been regarded as the chief means of obtaining Catholic emancipation. He said, "Let me return thanks from my heart for the favour with which you have this day received me. It is a rich recompense, for it consoles and compensates me for the slander and malignity of those who are mine enemies, only because they are your oppressors. I shall deem lightly of myself if the hour ever arrives when the men who enrich themselves in the degradation of Ireland do treat me with favour or even with neutrality. I complain not of their calumnies; I exult in them. I have lashed the bigot and the tyrant—I have exposed the infamy of those hypocritical pretenders to sanctity who, in the name of God, plunder and oppress Ireland—the men who discount their consciences and obtain money by their pretensions to piety—men whom I need not name, because you know them by description. I exult in deserving their hatred. I rejoice at their exertions, which only prove that I have, in some degree, revenged my country on them. I court their hostility; all I deprecate is their forbearance or favour."

With reference to the Union, the following passage is notable, as indicating the views and the policy that at that time actuated O'Connell and his party. "Your enemies say, and let them say, that I wish for a separation between England and Ireland. The charge is false; it is, to use a modern quotation, 'as false as hell;' and the men who originated it, and the men who inculcate it, know its falsehood.

There lives not a man less desirous of a separation between the two countries ; there lives not a man more deeply convinced that the connection between them, based on one King and two separate Parliaments, would be of the utmost value to the happiness of both countries, and the liberties of the civilized world. Next, your enemies accuse me of a desire for the independence of Ireland. I admit the charge, and let them make the most of it. I have seen Ireland a kingdom ; I reproach myself with having lived to behold her a province. Yes, I confess it, I have an ulterior object : It is the repeal of the Union, and the restoration of old Ireland to her independence. I am told that it is indiscreet to avow this intention. It may be so ; but in public affairs discretion amounts to dissimulation ; and if to repeal the Union be the first service, as it clearly is, that can be rendered to Ireland, I, for one, most readily offer to postpone our emancipation, in order to promote the cause of our country. Let me not be mistaken. It is true, I desire the restoration of our Parliament—I would sacrifice my existence to restore to Ireland her independent legislature. But I do not desire to restore such a Parliament as she had before. No, the act of restoration necessarily implies reformation, which would for ever abolish the ridiculous and most criminal traffic in representation. The new Irish legislature would, of course, be purged of the close boroughs. The right to nominate to Parliament would be no longer a matter of traffic or of family arrangement. It should not be, as it is at present, private property—so much so, that I could name to you a borough in which a seat in Parliament is vested by a regular registered marriage settlement. This traffic—this odious and disgusting traffic—should be abolished for ever.”

But though O'Connell must have appreciated at its high value the representative effort made by the corporation of Dublin to obtain repeal, he, further on, ascribes the failure of that effort to the ignorance and consequent apathy of the bulk of the people, with reference to an abstract question of that kind, not brought by the experience of their daily lives immediately before their own doors, and on to their hearths and into their homes. Hence it is proved that in O'Connell's

time, as now, it was the most educated portions of native Irishmen that most desired repeal of the Union. He avows that his object was to make religion the means of arousing the people to an appreciation of their political degradation, in which appreciation they were deficient. So he says, "Ireland lay in torpor till roused by the call for religious liberty. She would, I fear, relapse into apathy, if liberty of conscience were soon conceded." For this cause he hoped that the struggle for emancipation would be long, in order that it might have time to thoroughly awaken the people from their political lethargy. And so he says, "Let them delay emancipation but a little while, and they will find that they have aroused the sleeping lion of Ireland to awaking activity, which will not permit any further slumber till Ireland is herself again—a nation. They may perhaps administer the narcotic of religious freedom, which may re-establish political lethargy; but let them suffer our discussions to continue; let them allow our agitators to increase; let the love of country and even the desire for notoriety be permitted to excite fresh agitators; and, above all, let the popular mind become accustomed to the consideration of public subjects, and to the vehemence of political contest,—and they know nothing of human nature who imagine they can with a breath still the tempest that they shall have thus excited, or be able to quiet a people whom they shall have aroused to a sense of their wrongs, and a knowledge of their strength and importance. I repeat it without the hazard of contradiction: the delay of Catholic emancipation I hail with joy, because in that delay lies the only prospect of attaining my great, my ultimate object—the legislative independence of my native land. The very calumnies of your enemies and mine lead us to the discussion of topics which it is for their interest to bury, if they can, in eternal oblivion."

This most remarkable speech is a plain manifesto that the Irish are Irishmen first and Catholics afterwards. Here was an Irishman who had been brought up in the extremest Catholicism, and who had never by word or deed or omission disavowed it, who yet declared his willingness to forego the attainment of religious rights and privileges, if by

doing so he could advance the political status of his country. In making that declaration, he did not find it necessary to apologize to his co-religionists or to the priesthood of his Church, whose views and wishes he coolly ignored. His only apology was to his political associates, lest the too candid avowal of his views, on the subordinate position of religion, should endanger political advancement. Those who have been wont to ascribe to Catholicism the troubles of Ireland and the difficulties of England with reference to those troubles, may usefully take to heart O'Connell's epitome of principles embodied in that most valuable speech.

The adventures of Mr. Grattan's abortive attempt at legislation in favour of the Catholics, disclose to us the powerful influence that was silently but surely drawing on the government towards conclusions they professed to hold in abhorrence. The claims of the Catholics had been until that time utterly scouted ever since the date of the Union. The leading men of the government discovered by that time, however, that events over which they had little or no control were moving on faster than they were. They discovered that the time was come when it was no longer possible to oppose Catholic claims with direct opposition. They perceived that they must either totally yield or resort to compromise. For a considerable time, therefore, it was sought to qualify concessions by accompanying them with a proviso for a veto upon the appointment of Catholic bishops. This was, in fact, a most humiliating recognition of the existence and power of the Roman Catholic Church in Ireland—a recognition that had previously been strenuously disavowed. Yet events had marched so fast that the statesmen of the day thought to cover the defeat which they perceived was coming and inevitable by cloaking it with this veto scheme. It was soon discovered that the Irish were unwilling to purchase their recognition at such a price, so the government—the Protestant government—the government that professed to be based upon a disavowal of the Pope—secretly opened negotiations with the Pope with reference to the veto, which the Irish subjects of England and the Irish subjects of Rome equally refused to entertain.

To the overtures of the English government, the Pope lent a willing ear. He had never as yet obtained official recognition or official status with the government of England since the Reformation. To obtain such recognition he was quite ready to make very considerable sacrifices, and it is said that he heartily concurred in the veto proposal, because it would bring the Vatican into direct communication with the Government of England. The Pope, therefore, exerted all the influence he could to induce the Irish Church and people to accept the veto. But, in this connection also, they were Irishmen first and Catholics afterwards. The proposal was that whenever the Pope nominated a Catholic bishop, the English government should have the power to veto the nomination, and to invite the Pope to nominate another in his stead. It was understood that the Pope was willing to submit his nominations to such veto, and English statesmen were willing to sacrifice the principles they professed to hold most sacred for the sake of obtaining such additional power and control. The proposal and its acceptance were equally degrading to both parties.

In addition to this, the English government sought to impose upon the Irish Church other] restrictions. It was proposed that every Catholic parish priest should take an oath that he would not vote for any person to be a bishop whose loyalty [to the English government] he had cause to doubt; that a board of commissioners should be created; and that, before the name of any person elected to the episcopacy should be forwarded to Rome for approval, it should be submitted to such commissioners, and, if the person elected was disapproved by them, another election should take place before submitting the candidate's name to the Pope.

These proposals were embodied in the amendments which Canning promoted or moved, and it was on account of these that the bill was withdrawn. It is said that the higher classes of Irish society, who were willing to purchase their admission to every branch of the public service by almost any set-off, did not object to the veto and its accompanying conditions, and some of them were extremely indignant when disappointed of their expectations by the sudden withdrawal of the bill.

On the contrary, the lower classes and the priests most strenuously opposed the veto, and everything of the kind ; and, in common with the leaders of the emancipation movement, refused to accept concessions on such terms. So strong was the feeling amongst the bulk of the people, that the Catholic bishops, lest they should be supposed to favour the views of the upper classes in this matter, issued a joint proclamation to their clergy, in which they said, "It is with the utmost distress of mind that we are compelled, by a sense of duty, to dissent, in some points connected with our emancipation, from the opinion of those virtuous and enlightened statesmen" [Canning and his associates] "who have so long and so ably advocated the cause of Catholic freedom. Probably from a want of sufficient information, but unquestionably from the most upright motives, they have proposed to the legislature the adoption of certain arrangements respecting our ecclesiastical discipline, and particularly respecting the exercise of episcopal functions, to which it would be impossible for us to assent." On the other hand, they were careful to elaborate profuse professions of loyalty to the Protestant government, and conclude with the declaration that "We have not, and will not have, any communication or correspondence with the chief pastor of the Church, or with any person authorized to act in his name, for the purpose of overthrowing or disturbing the Protestant government, or the Protestant Church of Great Britain and Ireland, or the Protestant Church of Scotland, as by law established."

To the unbiassed observer, that declaration was an admission of those bishops that they might reasonably be suspected of a desire to disturb the Protestant churches if they ever got the chance. At the same time it was a confession of their impotence to effect such disturbance, and therefore they were willing, of sheer necessity, to assume a virtue though they had it not. Be that as it might, the offer of the government to make concessions subject to the veto and its accompaniments, was claimed as covering the charge which otherwise might have had additional force of unreasonable resistance to not unreasonable requirements ; and O'Connell evidently "hailed with joy" the proposal of the

veto, because it was calculated to cause that "delay of Catholic emancipation" which he conceived to be essential to the attainment of his "ultimate object." Between the two, Catholic emancipation was, in fact, delayed beyond all expectation; and as both parties wanted to delay it, they continued for many years to use the veto as a convenient bone of contention, to their mutual satisfaction.

CHAPTER XVI.

THE WATERLOO PERIOD—MR. PEEL AS CHIEF SECRETARY
—HIS COERCION ACT—POPULAR DEFIANCE.

THE government having covered their ground with the veto, felt at liberty to ignore Ireland on the opening of Parliament, in November 1813. So far as the royal speech was concerned, the Emerald Isle might have been blotted out of the map of Europe. This contemptuous silence goaded the Catholics into an activity that had for some time been qualified. The principal effect was the suppression of the Catholic Board. The aristocracy and those who were willing to accept the veto, declined to move any further just then, and they never had a recognized existence afterwards. O'Connell refused to remain at rest. He called a meeting in his own name, which meeting resulted in many others in various parts of the country. The resolutions passed at these meetings were of a violent character, that alarmed and exasperated the government. The resolutions were published in several papers, but the government made the publication in the *Dublin Evening Post* an excuse for again prosecuting the unfortunate Maghee, whose term of former imprisonment had not yet expired. He was sentenced to a fine of a thousand pounds, and two years' additional imprisonment, to succeed the term of his first sentence. The evident rancour with which this prosecution was conducted had a stimulating effect upon all who were made aware of it, and nerved the Catholic leaders to renewed exertions. The Pope was communicated with ; his previous assent to the veto was withdrawn ; and every effort was made to bring pressure to bear upon the government.

At this time, as at so many other times, there was a deeper root of

discontent making itself manifest with sufficient virulence to eclipse public interest in Catholic grievances. Agrarian hardships were making themselves known with a suddenly increasing violence. Then, as so often since, it was declared on authority that neither life nor property was safe. The phraseology of 1814 is almost word for word like that of 1881. Numerous secret societies of a most treasonable character were discovered. They were then said to be promoted by persons far higher in station and superior in fortune to the visible conspirators ; but the originators could not be traced, although their influence was sufficiently palpable. The government declared itself unable to grapple with the difficulties which they had to encounter, so they sought for fresh powers. Again the oft-repeated and to be repeated cry came for suppression of rebellion ; for repeal of *habeas corpus* ; for peace preservation. These things had been almost unceasing in their persistence and impotence. While the government was busy in dethroning Napoleon, and in disposing of him for the time at Elba, the sullen fire of unquenchable resistance was bursting out from the depths where it had for a short season been smothered. It fell to the lot of the then Mr. Peel, Chief Secretary of Ireland, to submit the case, and to ask, on the 23rd of June, for the additional powers deemed to be required. Mr. Peel said that the state of the country had for some time been such as to call for the adoption of additional measures for securing public tranquillity ; that he had been prepared at a much earlier period to propose them, but that the hopes of some good effects from the general pacification of Europe, which had resulted from the abdication of Bonaparte in April, had induced him to delay. Such hopes had, however, been frustrated, and he could not, consistently with his duty, protract any longer the production of his plan. He referred to frequent disturbances arising out of what he called pretended local grievances. The general mode was to inflict punishment on those who chose to disobey the orders of men who were at the head of the secret associations, which were not only mischievous in their present effects, but were formidable from their accustoming the persons combined to habits of great caution and strict discipline, which

rendered them dangerous instruments in the hands of designing men. Here we have clearly shown that "Boycotting" and land leagueing were recognized powers of evil in 1814. Mr. Peel indicated other points of exact likeness when he went on to explain that the greatest obstacles to the administration of the law in Ireland arose from the difficulty of procuring persons to give information to the government ; and the next to impossibility of procuring reliable evidence on which to rest prosecutions in cases of the violation of the peace. This was, he conceived, partly owing to a kind of romantic feeling, and partly to a system of intimidation which was carried to great lengths, and often occasioned scenes of the most atrocious barbarity—he might have said, of a more than romantic character. While Parliament was discussing details, events in Ireland went on, as usual, faster than statesmen did, so that on the 8th of July Mr. Peel had to apply for stronger powers than he had previously applied for. He was sorry, he said, that in those parts of Ireland where the laws had been administered with the greatest severity, and where the greatest number of convictions had taken place, the terror of those convictions had scarcely survived the cause, while new combinations of a more extensive and dangerous kind had been formed, which defied the operation of the law as it now existed. The bill that resulted therefore contained nearly every instrument of coercion enumerated under the suppression of rebellion acts, the suspension of *habeas corpus*, and the peace preservation acts of which we have already given examples in earlier pages. Mr. Ponsonby and Mr. Abercromby endeavoured to qualify the severity of the proposals, but Lord Castlereagh, who had already earned an unenviable notoriety for his administrative severity, pressed for everything that was asked, and for an immediate decision. Sir Henry Parnell (the Parnell of those days) strove to expunge provisions enabling the government to transport persons for offending against the Act without a bill being found by a grand jury or a verdict by a petty jury, but only six members voted with him, and of course the entire Act was speedily passed, on the 8th of July, 1814.

The character of the offences which the Act was designed to cope

with is clearly indicated by a report subsequently made by the Lord Lieutenant, in which he said that the offences committed against the public peace in the disturbed counties all partook of the same general character, for reports were constantly received of attacks on dwelling-houses for the purpose of procuring arms ; and the frequency of these attacks, and the open and daring manner in which they were made, were sufficient proofs of the desire which generally prevailed amongs those concerned in the disturbances to collect large quantities of arms, and thus possess the means of prosecuting their ulterior objects with a better prospect of success. Several instances occurred in which the houses of respectable individuals were attacked, even in the open day, by large bodies of armed men and others, in which the military, acting under the orders of the magistrates, met with considerable resistance. The Lord Lieutenant expressly says, " It is worthy of remark that in the several successful attacks which were made upon houses with the view of depriving the proprietors of their arms, it rarely occurred that any other species of property was molested." This appears to be what Mr. Peel called the romantic side of the subject. The Lord Lieutenant goes on to say that " the principal objects of hostility, or rather the principal sufferers, on account of their inadequate means of defence, were those persons who, on the expiration of leases, had taken small farms at a higher rent than that which they had previously paid, or than which the late occupiers had offered ; and all those who were suspected of a disposition to give information to magistrates against the disturbers of the peace, or to bear testimony against them in a court of justice in the event of their apprehension and trial. From the general terror which these proceedings excited, it became almost impossible to procure satisfactory evidence against the guilty, and it not unfrequently happened that the sufferers from these atrocities, when visited by a magistrate, would only depose generally to the fact of their having been perpetrated, not denying their knowledge of the offenders, but steadily refusing to disclose their names or to describe their appearance, from a rational apprehension of future additional injury to themselves, their families, or their friends. And even when

the parties deposed against were apprehended, there was often the greatest difficulty to accomplish their conviction, from the intimidation of witnesses, and in some cases even of jurors." All these passages are exactly parallel with others relating to Irish events in 1880. Since they were thus officially recorded in 1814, innumerable Acts have been passed and repassed for the suppression of such outrages ; but, if the records of 1880 are correctly published, all the Acts put together during the interval of sixty-six years have not effected the slightest change in the tendency, character, and persistency of the outrages described. It is a long, monotonous history of official and legislative impotence, in irrefragable evidence of the utter and humiliating failure of the Union Parliament to do what that Parliament originally set out to do. So much for coercion in the long run : we shall see presently what the immediate effects were of the coercion of 1814.

Agrarian outrages eclipsed Catholic grievances, and in their turn both were forgotten during the hundred days that ended at Waterloo, and for some time afterwards. Before the startling events of those memorable days had ceased to be fresh and vivid, Ireland and the Irish demanded attention again.

In defiance of the Coercion Act of 1814, we find that early in 1815 houses were frequently plundered of the arms contained in them by disorderly persons who came from parts of the country far remote from the places where the offences were committed, and that they were mounted on horses seized from the owners for the occasion. The combined efforts of the magistracy and the police, aided as they were by a considerable military force, were insufficient to overcome the lawless spirit of audacity which placed lives and property in continual hazard. No less than four attacks were made within a short period by large bodies of men upon the coaches conveying the mails through the country, notwithstanding that they had the advantage of a military escort ; and on some of these occasions several of the dragoons were killed and other persons were wounded. In Kilmemanagh a house hired as a temporary barrack for the military, with the house adjoining, was entirely destroyed in September by a very large body of armed

men, who were provided with all the necessary instruments for a successful attack, and a written notice was left that it was resolved to destroy in the same manner any house that might be taken by the government for such a purpose. The weekly reports made to the government by the magistrates superintending the police force mentioned repeated instances in which houses had been attacked, some in the daytime, when the occupants were obliged to deliver up their arms. Several murders were committed, the victims selected being generally the persons engaged in the valuation or collection of tithes. One of these was a person who, though accompanied by eight armed men for his protection, was slain in open daylight, and his party was disarmed, although they were at the same time within a very short distance of Cashel. This was immediately after a large additional military force had been sent into that part of the country. The magistrates stated that the whole country was then in a state of serious disturbance, occasioned by a widely ramified confederacy.

Frantic efforts were made to stop the mischief. Arrests were effected after wholesale fashion, and many executions took place. There seemed to be a lull, and the magistrates of Limerick conveyed to the Lord Lieutenant their expressions of satisfaction at the result of vigorous coercion, when, almost before the document had arrived at Dublin, one of the magistrates who signed it, on his return from a magistrates meeting, was waylaid and shot dead in open daylight. It was believed from the circumstances of the murder, that it was devised by persons of superior order. The government offered a reward of *five thousand pounds* for the apprehension of the offenders, but not a vestige of evidence was ever procured. In November, outrages were especially rife in King's County, Westmeath, and Down. As many as eleven houses were attacked in one fierce raid by a large body of men in disguise, who plundered the houses of all the arms they contained. Clare also became notorious for outrages of a corresponding character. As the winter advanced, entire lawlessness prevailed in defiance of coercive powers incessant vigilance of the police, and the active aid of the military. Threatening notices were continually posted, forbidding persons to take

lands of which the previous tenants had been dispossessed, at a higher rent than had been formerly paid, or to pay any rents at all except under certain regulations that were popularly approved. These outrages continued in much the same way until the summer of 1816.

It is claimed by those who favour coercion that it did eventually restore a certain measure of peace after these determined disorders. No doubt the years immediately succeeding were not quite so bad, but the improvement is as attributable to sheer exhaustion of prolonged effort as to legal interference ; for when the increase of outrage so often followed more than usually suppressive efforts, the deterring effect, at best, must have been very weak ; and though the outrages did for a time cease to be so very numerous, they were quite frequent enough to be deeply deplored, and quoted in evidence of the helplessness of the law.

CHAPTER XVII.

PEEL'S POLICE.

THE outrages that prevailed during the Waterloo period, as just previously described, while evidencing the uselessness of coercion, or its very qualified success, are the more remarkable because those of 1815 were after Peel's police had been introduced.

It is almost universally known that we are indebted to the late Sir Robert Peel for the system of police that now prevails throughout the kingdom. The system found its initiation in Ireland. Sir Robert (then Mr.) Peel had been first elected to Parliament for Cashel in 1809, through the influence of his father, the first baronet. Being thus associated with Ireland from the beginning of his parliamentary career, it was an easy transition for him to be made Chief Secretary in 1812, when only about twenty-four years of age.

In that very responsible position he devised his first scheme of police expressly for Ireland, and the scheme was embodied in the original Police Act, brought in and passed by the influence of Mr. Peel on the 25th of July, 1814.

The preamble tells the same old, old story of almost every Act relating to unhappy Hibernia: "Whereas disturbances have from time to time existed in different parts of Ireland, for the suppression whereof the ordinary police hath been found insufficient." The Act empowers the Lord Lieutenant to proclaim any district where he has reason to believe there is an unusual state of disturbance, and where an extraordinary establishment of police is required. Whereupon he has also power to appoint a chief magistrate of police for each county, barony, or half barony, with all the powers of an ordinary justice of the peace, and with

a salary of £700 per annum, in addition to a furnished official residence provided at the public expense ; and this was the first institution of what are now called stipendiary magistrates. The appointment also rests with the Lord Lieutenant of a clerk to each chief magistrate, with a salary of £150 per annum ; a chief constable, with a salary of £150 per annum ; and sub-constables, to the number of not more than fifty for each district, at salaries of £50 per annum each. The powers also include the provision of arms and accoutrements, horses, saddles, bridles, and all other things deemed necessary. This force is placed under the sole control of the chief magistrate, and is to execute and obey his lawful warrants, orders, and commands, the whole police machinery being independent of the ordinary magistrates, whose orders and processes are to be disregarded unless they are expressly approved by the chief magistrate.

As usual in such cases, the Act was amended by another Act passed on the 1st of December in the same year, when additional powers of appointment were given, and regulations made by the Acts jointly for continuing or withdrawing the whole system at the discretion of the Lord Lieutenant, and for diminishing or increasing the number of constables in any district, or for arming them or disarming them, as circumstances seemed to justify.

It was in defiance, therefore, of these police arrangements, and in defiance also of Peel's Peace Preservation Act, and numerous Acts relating to arms, assaults, combinations, oaths, and the like, that the disturbances of 1815 and 1816 prevailed.

Altogether independent of the good or bad effect of Peel's police upon Irish society, the system greatly increased the power and patronage of the government, and was, upon the whole, a vast scheme of centralization. The county magistrates were extremely jealous of the consequent interference with their functions and authority, and resented the inferior position they were in as compared with the upstart stipendiaries, who it was then said were usually briefless barristers or broken-down politicians in a small way, to whom the salaries were peculiarly acceptable. The whole system, therefore, became extremely

unpopular with all classes of the nation, and the constables very soon got to be called, in derision, "Peelers," long before that now familiar expression was known in England. They were introduced, ostensibly, for coping with extraordinary derangements of the public peace, but they gradually got a footing, which was strengthened by very numerous subsequent Acts for increasing their power and influence. Of late years the popular grievance has been, not that they have acted against outrage, but that they have been very extensively employed at the public expense to execute, or assist in executing, legal processes for the benefit of individuals,—the peculiarity of the Irish police being that, contrary to custom in England and Scotland, they are frequently or habitually armed with cutlasses or revolvers, or both, and are altogether of a semi-military character.

CHAPTER XVIII.

FAMINE AND RENEWED OUTRAGES—DEATH OF
GEORGE III.

THE wars of Napoleon, in their tendency to increase the prices of food, operated upon English markets, and created what were called war prices. This very much affected Ireland, in consequence of the large proportion of the Irish who depended upon the produce of small farms. For several years previously to Waterloo, the continuing rise of prices was made the excuse for raising rents. With that excuse, rents were considerably raised, and most of the outrages arose from that cause. Soon after Waterloo, prices rapidly fell. Tenants universally claimed reductions of rent; landlords universally declined to entertain the proposal. In the emergency an Act was passed to facilitate evictions, and evictions were resorted to as they never had been before. Hundreds of tenants were turned out upon the highways; their dwellings, such as they were, were destroyed to prevent the possibility of re-occupation. The Suppression Act of 1814 had been kept alive by repeated renewals. In 1816 it was in full vigour, filling the gaols with wretched outcasts, and transporting great numbers. Prices of food were down. Those who still held their farms suffered from the reduction. To those who had been evicted the low prices were of no advantage, for they had no money. So the Irish starved and pinched, for the only means of paying rent was to export to England produce for which Ireland produced no customers. The natural result was that large quantities of land fell out of cultivation, and 1817 brought a terrible famine. Multitudes of the people tried to subsist by gathering wild kale, nettles, and various weeds. Typhus broke out

with great virulence, and of that and starvation many thousands died. How many, there is no record, for that was long before the Registration Acts were passed, and means of obtaining and publishing the truth were then very limited; but the circumstances were sufficiently recorded to prove that the mortality must have been as fearful as the sufferings were desperate. Outrage and suppression contended together; there were numerous murders, but organization of popular resistance had ceased, for famine and disease had done more than Coercion Acts could do to subdue the people.

In some instances rents were not exacted, indeed there is reason to believe that at this time very few rents of farms were paid. It was not so with tithes. The tithe proctor was an immediate and inexorable judge, increasing hardship everywhere. This was made the ground for some revival of effort amongst the leaders of the Catholics, but they, in common with the whole country, were paralyzed by the magnitude of the universal distress, in the midst of which a prosecution was instituted by the government against Mr. M'Donnell, the proprietor of the *Dublin Chronicle*, for criticisms that proved to be too pungent for endurance. Notwithstanding his spirited defence by O'Connell, he was convicted. His sentence of a fine of £100 and six months' imprisonment was considered lenient. The people, additionally exasperated wherever intelligence of the imprisonment reached, continued as before, in spite of every effort to control them, to indulge in what was called at the time "the wild justice of revenge." This continued with more or less virulence all through 1818 and 1819, in which latter year the disturbances in England, culminating in the Peterloo massacre, tended to distract attention from Ireland; and so we arrive, in the midst of dark clouds and angry portends, at the death of George III., on the 20th of January, 1820.

CHAPTER XIX.

SUCCESSION OF GEORGE IV.—INCREASING CATHOLIC
SUCCESS—THE ROYAL VISIT.

THE first year of the reign of George IV. as King was signalized by a remarkable degree of quiet. There seemed to be a vague hope that somehow the change of kings would inevitably bring about some good. The Catholic leaders during this year concentrated all their forces for another great effort; and, accordingly, on the 28th of February, 1821, Mr. (afterwards Lord) Plunkett introduced into the House of Commons another of the long series of resolutions having for their object the removal of Catholic disabilities. The resolution was for a committee to inquire into Catholic grievances, and the resolution was carried by 227 to 221. Accordingly, on the 2nd of March the House went into committee, and Mr. Plunkett then moved six resolutions which were carried without a division. Soon afterwards, Mr. Plunkett was permitted to introduce two bills for carrying into effect the resolutions already agreed to. The country was thoroughly cognizant of what was going on. The Catholics of England exerted themselves more than they had ever done before, and petitions in favour of the bills poured in from all parts of the kingdom. On the other hand, the Protestant clergy, evidently apprehending that the bills might pass, were unusually active in opposition, so that petitions against the bills were even more numerous than those in its favour. It is remarkable that Mr. Plunkett was a Protestant, and also in favour of the veto previously described, and therefore he took great credit to himself for having embodied in his bills that proviso. The bills were eventually consolidated; and in committee it was moved that the

bill should not extend to admitting Catholics into Parliament. Their admission, warmly advocated by Canning and other leading men, was carried by 223 to 211, but a subsequent clause was carried which expressly excluded Roman Catholic ecclesiastics from Parliament. As so amended, the bill passed, in defiance of the opposition of Mr. Peel and the government, by a majority of 19 ; and thus, for the first time, the House of Commons conceded to Catholics nearly all they demanded, subject only to the objectionable veto.

The bill was read the first time in the House of Lords without a division ; but Lord Liverpool, the premier, and Lord Eldon as usual intimated their decided repugnance to the whole measure. Immediately afterwards immense numbers of petitions were presented against the bill ; these were followed by others in its favour. The second reading was debated in the Lords for two long nights. Lord Liverpool enunciated the view of the government. He said there were not three lines in the bill to which he could assent. His opinion was, that the Parliament and the Privy Council should be kept as they were. He thought it was a more manly course in him to declare that at once than to encourage hopes and expectations which might never be realized. The possession of civil and religious liberty, he most readily allowed, was an inherent right in every man in the State, but the claim to merely political privileges and to political power rested upon a very different ground. He believed that this measure, so far as the general body of the people of Ireland were concerned, would have no effect whatever. If any benefit could be conferred on the Roman Catholics of that country, he conceived their lordships ought immediately to grant it, so long as it was not inconsistent with the general welfare of the country ; but it should be remembered that they also owed a duty to the Protestants of Ireland, whose liberties, lives, properties, and faith they were bound to protect. The lords who took a prominent part in favour of the bill were Lansdowne, Melville, Ashburton, and Somers. The Duke of York took a prominent part in opposing the second reading, which was lost by a majority of thirty-nine.

Thus, to all appearance, the way to reconciliation was stopped by

the House of Lords, backed up by the whole force of the government in both Houses. There still remained the King, who as yet was not openly committed either way. As news travelled slowly in those days, his early avowals of predilections in favour of liberality towards Ireland and the Catholics were still comparatively fresh amongst the bulk of the people, who, not being brought up to the art of reading for themselves, had to receive everything from afar by the slow and not oversure process of hearsay. It appears, from this cause, a popular notion prevailed that the King, by some kind of imaginary hocus-pocus, would be the means of bringing about changes to the good of everybody, wrought out in true kingly fashion.

Acting upon this ascertained state of popular feeling, the ministry, by way of blotting out inconvenient memories concerning the convenient intervention of the House of Lords, devised a royal visit to Ireland. The King, being quite willing, for a change, to make acquaintance with some of his very loyal subjects, readily concurred in the project, and, after what he publicly called travelling far and making a long voyage, he landed at Howth. Before his departure from London, he had just received intelligence of the death of his unhappy and infamously treated wife, Queen Caroline; but the news was not permitted to affect his royal progress. It is recorded by some, who were not ashamed to be his courtiers, that he, in the indulgence of grief at the loss of his Queen, desired to land in private, but there is not an incident to justify such a conclusion, and it is beyond all question that he could have landed in private, or not at all, if he had desired either course. On the contrary, while the unhappy Queen's corpse was in preparation for burial, he landed amid the plaudits of an excited populace, and proceeded through a storm of enthusiastic cheering to the viceregal lodge. There, at a select dinner party the same evening, he opened his royal heart to the honoured guests, and, throwing aside the cloak of sorrow for the dead Queen he had previously (as some say) decently worn, he said, without qualification, "This is one of the happiest days of my life. I have long wished to visit you—my heart has always been Irish—from the day it first beat it loved Ireland

This day has shown me that I am beloved by my Irish subjects. Rank, station, honours are nothing ; but to feel that I live in the hearts of my Irish subjects is to me the most exalted happiness."

It appears that the King's happiness was further exalted by a few days of congenial retirement, which was, however, much interrupted ; for while the body of the Queen was on its way to its last resting-place, the lodge was besieged with a multitude of persons who strove to become accepted courtiers in order that they might the better succeed as applicants for State favours ; so that, from the highest to the lowest, the whole visit was a period of preposterous illusions, energetically encouraged by O'Connell, strange as it may seem. The Catholics were to be emancipated ; the rich were to get into all kinds of offices of honour and emolument ; the shopkeepers were to become inordinately prosperous ; manufactures were to revive upon the reputation of the cambric which the royal visitor had effusively applied to his eyes ; tenants, by some inexplicable process, were to have their rents lowered, and the workpeople their wages raised. To the Hibernian imagination it seemed impossible that such a gracious visit could fail to cause something very important to take place, and many a hopeful Hibernian indulged his own particular and private imagination as to what that something would be with reference to himself.

During the King's happy retirement, all Dublin was in a ferment of preparation for a grand entry and public reception of the King. Lord Londonderry, who had previously been the subject of specially bitter vituperation, made himself conspicuous in the preparations ; and, all resentment being forgotten for the occasion, he basked in the temporary fervour of the besotted multitude. The gracious speech of the King, previously quoted, was strenuously circulated and made known far and wide, and its plausible phrases worked enthusiasm up to a white heat, in the midst of which the King, free from sentimental mindfulness of the funeral pageant of the Queen, scarcely ended, made the royal entry into Dublin, on Friday, the 17th of August, 1821, in a state procession got up with all the magnificence that could be put into it at so short a notice, hailed by the perpetual cheering of the tens of thou-

sands who crowded to witness the scene. During the day the King held a drawing-room ; and at a public banquet, O'Connell, who had previously made much of the honour of personally presenting a large bunch of shamrocks to the King, testified his enthusiastic loyalty, and joined in a toast prescribed by his bitterest foes, the Orangemen of the period.

As a preliminary to the visit, it had gone forth that all differences and animosities should be laid aside, and it was given out that it would be inappropriate to intrude grievances upon the King, who needed no such representations. So everything was taken for granted ; the King was committed to nothing ; all that he did in that way was to instruct Lord Sidmouth to write a letter recommending the people to be united, after which he sailed from Kingstown with tears of emotion in his eyes leaving the citizens of Dublin nothing but the bill of expenses.

CHAPTER XX.

AFTER THE FEAST—THE WHITEBOYS—INCREASING
OUTRAGES.

THE delirium of the feast of enthusiasm that had saluted the King was not long in subsiding. Very soon all men looked at each other in amazement, having leisure to contemplate the folly they had been guilty of. Official assurances were sought that the hopes that had so unreasonably accompanied the royal visit would be fulfilled; but everybody in the least entitled to speak either refused to do so or disavowed any expectation of the reforms so wildly anticipated. The leaders of the Catholics for a time retired into sullen silence. In the following January there was a reconstruction of the ministry by means of a coalition. The Grenvilles, who had hitherto taken systematic part with the Whig opposition, joined the Tory government, of which Mr. Peel then became the intensely Tory Home Secretary. At the same time Lord Wellesley was made Lord Lieutenant. His reputation as an advocate of concessions to the Catholics was calculated to renew their hopes, and other official changes were made in the Irish executive that seemed to promise better things. The effect was to put off any vigorous demonstrations for the present, though such hopeful submission afterwards proved to be a very mistaken policy. Still, for the time, the Catholic leaders were quiet, and abided until their time of action should come.

Not so the populace and the peasantry. They much more speedily awoke to a sense of their boundless folly in the gala days of the King's visit; and before the physical evidences of it had vanished—before the decaying decorations of the sometime rejoicing city had wholly dis-

appeared—there was an unprecedented outburst of popular fury. It was all very well to talk hopefully to the people of the coming honourable recognition of their religious equality—they were willing enough to look forward quietly for that. The deeper depth of their physical degradation pushed that consideration into the background. They could wait for the day of more dignity for their altars ; but they refused to wait for any possible remedy the authorities could offer them for the fearful desolation of their homes.

All the Acts designed for coercion and suppression, and for forcible maintenance of peace, were in full force, but they were as chaff before the tempest of popular fury that burst at that time. The thousands of the people who had been paralyzed by the wholesale evictions before described, had had time to recover from the consequent stupor ; and those of them who had escaped actual starvation, rallied their remaining strength, resolved to make another effort, and made compacts with each other to do or die. Before the month of September the gaudy bubble blown for loyalty exploded with a force that shook the whole country, first shattering astonished society in Limerick, Mayo, Tipperary, and Cavan. Frightfully illustrative of the character of these tremendous outrages was the case of Mr. Going, a magistrate of Limerick county. He was attacked upon the highway, and shot dead by seven separate balls. Such was the fear excited by his murderers that no civilian dared to move his body, which had therefore to be escorted to his late home by a body of military. In scorn of any idea other than personal revenge, his murderers left his watch, money, and other valuables upon his person. The popular hatred this magistrate had earned by vigorously prosecuting evictions was so intense that, when the news of his murder spread, bonfires were lighted on the hills for miles around, and expressions of exultation resounded in every village. No evidence could be procured to identify the assassins, who, so far as that crime was concerned, were placed beyond the reach of ordinary justice as well as of all the Coercion Acts. In another case, eighteen persons, including women and children, were burnt in one house. The father of the family rushed out from amidst

the flames, but was immediately shot dead, and others who followed perished in like manner. This terrible revenge was owing to the father having evicted some of his sub-tenants, under circumstances not recorded, but of which the character of the revenge is only too suggestive. This was in a district that was at the time fully proclaimed, and swarming with Peel's police. Special commissions were afterwards sent there, and large bodies of military ; but in spite of every precaution that could be devised, the outrages continued with little intermission.

Lord Wellesley held his first levée on the 8th of January. In the same month it was officially reported that the atrocities that still continued were directed or incited by a secret society which had revived the old name of Whiteboys, derived from the wearing of white smocks as disguises during their depredations and assassinations, which were carried on day and night in open defiance of all the laws and statutes in force. No power of the State was spared. The Lord Lieutenant, the magistrates, the judges, and even the juries, at that time exhibited remarkable energy and unanimity. The extravagant powers of arrest were freely exercised ; convictions were extremely numerous ; sentences of death and executions were of more than daily occurrence ; in the face of all, the outrages, instead of being fewer, became more numerous, and more audacious and terrible in their character. Munster, and especially Cork county, included the worst districts.

It is recorded that all who were engaged in the general or local administration of Ireland at this period acted with the most praiseworthy diligence, courage, and energy. The Lord Lieutenant was unremitting, and the great body of the resident gentry, together with the magistrates, avoided neither toil nor danger in their efforts to preserve the public peace ; and on all occasions the civil and military powers co-operated most cordially in the fulfilment of their arduous duties.

All was in vain. The evil in the southern portions of the country became intolerable, and the most inert individuals who had property to lose were roused from their sluggishness. Still the evil went on and increased. The magistrates of Cork reported that "The progress of

this diabolical system of outrage during the last month has been most rapid and alarming ; and we regret to say that we have been obliged to remain almost passive spectators of its daring advances, until at length many have been obliged to convert their habitations into garrisons, and others have sought security in the towns. We know that nightly meetings are held in various parts of the district, which it would be our duty to disperse, and, if possible, to bring those concerned in them to justice."

The outrages were as constant as they were alarming. As an example, the house of a gentleman named Mellifont was attacked by a body of men, some hundreds in number, all of whom were armed, and most of them mounted on horseback. They were repulsed and pursued for fourteen miles, but all escaped. The house of Dr. Kilmaraird was entered by a large party with blackened faces, who, after searching for arms, and finding none, took other property and beat the owner. Some of the property was subsequently found upon a Whiteboy who lived thirty miles off. Lord Bantry, who was in charge of a military force, on one occasion came up with 500 mounted men. The Whiteboys, reversing the usual order of events, fired with great effect upon the military, who were eventually compelled to retreat, and were pursued.

The Whiteboys were very persevering in posting notices threatening vengeance against all who distrained for rent or tithes, or who purchased articles that were sold under distraint, and it was usual for such threats to be carried into execution against those who disregarded them. Before the end of January, notwithstanding proclamations and every effort by all parties to carry them out, the outrages rose to a still more alarming height. Illegal meetings were held, and scores of houses broken into every night. So little did the Whiteboys fear resistance, that it was common for them to commence their depredations as early as seven in the evening, when the authorities were known to be wide awake, and in public situations where discovery might be most likely. Reports of the authorities testify that the plans of the Whiteboys were so excellent, and so admirably carried out, that

the military could seldom interfere in time to interrupt the proceedings. Their caution was such, combined with intimate knowledge of the country, that the military were constantly baffled ; and, though very large rewards were offered for the apprehension and conviction of the offenders, it was a standing complaint of the magistrates that great difficulty was experienced in getting information, which was generally not forthcoming at all.

In Cork county, where large forces of military were stationed, the Whiteboys, in retaliation, assembled in large numbers, in some cases to the extent of two thousand mounted men, and many conflicts ended disastrously for the military, especially in a noted case where a struggle of some hours in a glen ended in the compulsory retreat of the government force. The fact that the Whiteboys were systematically mounted in such large numbers, and came to the places of outrage from such considerable distances, proves that the ramification was not only very widespread, but that it also included large numbers in tolerably good circumstances.

Throughout the whole period it was a common thing for men to be compelled to kneel down and take oaths on pain of immediate death for refusal. Conflagrations of the houses of marked men were occurring nightly. Eventually, the name of Captain Rock became a recognized watchword amongst the Whiteboys. All notices were signed in his name, but there is reason to believe there never was any leader really of that name, it being used as an evasion of the real names of the chiefs, and it was probably derived from the rocks amongst which, on hills and in glens, refuge and shelter was so often found against the attacks and pursuit of the military. For this reason the Whiteboys got to be sometimes called Rockites.

As in times before and since, the leading grievances were of a much more substantial character than those involved in the claim for Catholic emancipation. A large proportion of the Whiteboys had been small farmers, who, before Waterloo, had had their rents raised ; but who, tempted by rising prices, had expended large sums in buildings and improvements of various kinds. These, being hard pressed by

the declining prices that succeeded Waterloo, and being unable to pay the raised rents, or to get them reduced, had been evicted, and had so fallen from substantial positions to comparative indigence, as there were no legal means of procuring compensation for the unexhausted improvements. In these reduced circumstances, many who occupied smaller farms, at higher rents arising out of excessive competition, were further exasperated by the constant exactions of tithe proctors, and by the constantly increasing demands of the collectors of local rates, whose hazardous duty it often was to seize the last small remnant of property remaining out of previous wrecks of fortune.

On the 5th of February, 1822, the King's speech, when opening Parliament, referred in terms of gratification to his reception in Ireland, and expressed his conviction that his visit there would be productive of great good. The reply of Parliament was the prompt passing of no less than four more Coercion Acts, pretty much of the usual pattern, with such slight alterations in detail as seemed good to the coercionists of the day, including a very complete suspension of *habeas corpus*. These Acts did not come into force until the middle of March. By that time the outrages were beginning to subside; partly because the long nights were at an end, and partly because the efforts of a long winter's campaign had exhausted Whiteboy energies and resources. Great numbers were arrested, condemned, and executed; but though allayed, more from exhaustion than suppression, the outrages were far from entirely discontinued; and though there was somewhat less violence, it seemed to be more widely spread, extending into Dublin county, and even attaining considerable force close to Belfast. It turned out that what all the array of vigilance and force was unable to eradicate, natural causes speedily suspended for that time. The people found themselves suddenly in the midst of another great famine, which was apparently as unexpected as it was severe.

CHAPTER XXI.

THE FAMINE OF 1822—DEATH OF CASTLEREAGH,
MARQUIS OF LONDONDERRY.

SUBSEQUENT events have rather tended to obscure the facts and diminish the historical importance of the Irish famine of 1822. Like most other famines, or so-called famines, in that country, it mainly arose from one cause that has prevailed from time to time for a century or more. Upon this point the average English mind seems to have acquired several notions of a very erroneous character.

The anecdote is usually laughed at most consumedly when it is related that the French princess, when told the people were dying of hunger for want of bread, exclaimed, in astonishment, "Why don't they eat cakes?" Yet many of those who even see the absurdity of the remark of the French princess, fall into an equally absurd error when they ascribe the distress in Ireland to the inveterate habit the natives have of living upon potatoes, and growing nothing else.

It appears that, the autumn of 1821 being unusually wet, the potatoes throughout Ireland were in very bad condition. Whether the disease that has since attracted so much painful notice was really in operation then, is not certain one way or another, but, from some cause arising out of the wet weather, potatoes either failed altogether or yielded very scantily in 1821. This does not seem to have been suspected, or, at any rate, was not sufficiently appreciated in the autumn of that year. Each one who relied upon potatoes as a last resort, observed the smallness of his own store, but did not know that all his neighbours and countrymen were equally ill provided. Consequently, each owner of a small store, though aware it would

not last until the following harvest, expected to be able to eke out his wants by such small purchases at the end of the season as would carry him over. It is probable that, even if all the potatoes stored had been good, considerable distress would have been felt at the end of the season, and this was aggravated by a large proportion of the potatoes prematurely rotting earlier than was usual. When the smallest stores began to run out, their owners one by one discovered that the stores of their neighbours were nearly run out also, and, with a fearful suddenness, the fact flashed upon almost everybody that he had no potatoes, and that scarcely any one else had potatoes to sell. The case was so nearly universal, that the few potatoes left early in May sold at four times the usual price ; and those being all bought for consumption in a very short time, every scrap of meal and corn was speedily bought for actual consumption too ; and want of sufficient food became so general, that even people with plenty of money could not procure necessary supplies.

Colonel Patrickson, who was stationed with his regiment in Galway, reported that "hundreds of half-famished wretches arrive almost daily from a distance of fifty miles, many of them so exhausted by want of food, that the means taken to restore them fail of effect from the weakness of the digestive organs occasioned by long fasting." In the month of June there were in Clare county alone 99,639 persons subsisting on daily charity, and in Cork county 122,000.

Before May began it was said that the whole of Connaught and Munster was in a state of starvation. The peasantry, leaving their cabins and the little allotments of ground whence they had derived their scanty subsistence, crowded into the villages in vain search for employment, or to be relieved by the charity of those who were in almost as bad a position as themselves. There was scarcely a town in the south the streets of which were not filled with hundreds of men wandering in quest of food or the means of obtaining it ; and, according to official reports, one-third of the respectable (that is, moneyed) inhabitants of Clare were reduced to a condition little short of actual starvation ; and the like might be said of Cork, Limerick,

Kerry, Mayo, Roscommon, and Sligo. Throughout these districts the pressure was so great that the reserve of potatoes for seed had been encroached upon to the extent of threatening a similar dearth in the ensuing season. Attending upon the famine everywhere, typhus raged almost unchecked, sweeping off the population by thousands of nameless and obscure sufferers, of whose deaths there was no efficient registration.

When the news of this famine reached England, the statement of bare facts was such that it was pronounced to be an obvious exaggeration, and, so long as none but the poor died, that feeling lasted. But when the scarcity began to pinch the wealthier classes, their sufferings were believed in, and a widespread effort was made to afford relief.

The first attempt at relief was a requisition of the grand jury of Clare to the Lord Lieutenant for £400,000 to relieve that county alone. While inquiries were being made, the evil increased apace. The Lord Lieutenant had in hand about a quarter of a million reserved from the relief fund raised for the previous famine. The replies from all parts of the country were so convincing that the English government contributed the like amount, and half a million was thus placed at the disposal of the Lord Lieutenant.

As soon as the English people were sufficiently convinced, a committee was formed in London for collecting subscriptions; branch committees were formed in nearly every town; collections were made in the churches; benefit nights were named at theatres; much generous liberality was evinced, and the voluntary contributions thus obtained reached an aggregate of about a quarter of a million more, so that the estimated total of money relief was, in all, three-quarters of a million of pounds sterling. How was the money spent?

The idea that most prevailed was to undertake the execution of various works; therefore it was a good time for civil engineers, to whom was entrusted the lucrative duty of deciding what works should be undertaken, and the superintendence of the work when it began. The people were therefore set to work very extensively in road-making,

bridge-building, drainage, and other similar improvements, many of which greatly increased the value of the freeholds upon, or in connection with which, the works were done, the rents of the occupiers being consequently raised, and many tenants evicted. So while the people worked and were fed, the landlords looked on and were enriched, which was what Mr. Jingle would call "a fair and gentlemanly division of labour."

It soon became evident that money was of very limited use where there was little or no food to be bought ; so a large proportion of the amount voluntarily raised was expended in purchasing, and shipping to Ireland, cargoes of potatoes, oats, and other most desirable articles of food. This was a wise and kindly course that no doubt materially contributed to the mitigation of the famine, and a bright feature of the process was that merchants and shippers made a good thing of it too. So it was a general merry-go-round all through the summer, until the autumn brought an exceptionally good harvest, which speedily resulted in the normal routine of Irish life, the surplus of the voluntary fund being expended upon clothing for such as were fortunate enough to get it, after advancing capital towards the encouragement of impecunious master manufacturers, and in the establishment of others who were lucky enough to get into the right good books at this thriving time for opportunists, who were wise enough to turn events to profitable account. Indeed, throughout the whole painful but mitigated episode there was a most commendable spirit of determination evinced not to dispose of the funds in an indiscriminate relief of the poor, without getting out of them full value for the money, lest they should be demoralized by the receipt of relief in the nature of mere alms.

A gushing writer, in describing that period, has overflowed with the following eloquent rhapsody : "By all these different means, but chiefly by the agency of British charity, the ravages of famine were arrested, and the suffering from it became less as its duration was prolonged. Had Ireland been left to herself, or had she been united to a country less opulent than England, or had England been less adorned

with the gift of munificent kindness, it is impossible to conceive the extent of the horrors that must have ensued."

No one can doubt that a large proportion of the voluntary money subscribed during the famine was contributed in a spirit of the most generous and admirable liberality, and that it was, with some exceptions, distributed judiciously and effectively. But when we find that the whole of the money advanced by the government was not given, but *lent* on the unqualified security of the very rates under which so many of the people groaned, and that other portions were lent on equally good security for the direct benefit of private individual borrowers, we fail to see the generosity of the transaction, it being not such a very bad stroke of business of a very matter-of-fact nature indeed. The only legislation of the year that smacks in the least of generosity was the repeal of the hearth and window taxes. The former was one of the most infamous devices for the extortion of money that was ever conceived, and the generosity of abandoning it is much qualified by the great difficulty and manifest absurdity of enforcing it at such a time.

As for the alleged benefits to Ireland of being associated with opulent and magnanimous England, as claimed by our gushing friend, he, like too many others, has apparently failed to observe, as he has characteristically failed to record, that, out of the very harvests from the deficiency in which the whole of that famine resulted, there was exported in 1821-2 from Ireland to England about three millions of quarters of grain, and vast herds of cattle, sheep, and swine, bacon, cheese, butter, and sundry provisions, the whole value of which was so considerable as to reduce by comparison the few hundred thousands advanced by England during the famine year to insignificant proportions. That England paid for what was so exported may be quite true, but as so large a proportion of the money was due for rent to landlords and corporations in England, it either had to be returned to England in the long run, or, for the like reason, and by the process of exchanges, never reached Ireland at all. The same process is going on still. So those Englishmen who have proclivities for Jingo singing, may

characteristically put it with reference to the Irish, and with the great merit of absolute truth—

“ We take their corn ;
We take their beef ;
And take their money too ! ”

If the Union is really beneficial to Ireland—and there are many admissible arguments in its favour which cannot be put out of sight—the benefit is not of a material character, for such is the complication of industrial and social circumstances involved in the Union, that while the cream of the produce of Ireland passes into English markets, in extremely valuable augmentation of the food supply in the larger country, the money in payment for that food seldom leaves the English shores, and the complication perpetually results in the impoverishment and starvation of the Irish farmer, who in seasons of scarcity has no option but to send all the best of his produce to England to pay his rent, leaving to himself only the residue of potatoes and other of the humblest fare, for contentment with plenty of which he is taunted by the very people who are fed upon the bounty he has provided, and for starvation upon a deficiency of which he is taunted again for not growing that for himself which he is compelled to grow exclusively for others.

The legislation of the year makes the case clear with reference to the intentions of Parliament, for while the grants intended for the poor are expressly stated to be for their *employment*, the advances for bolstering up manufactures and trade are expressed to be for their *assistance*. Not out of generosity, but purely for self-defence, is the further legislation of 1822 for the establishment of fever hospitals, the famine having rendered disease of that kind a public peril of great magnitude, to be regarded not so much with commiseration as with terror. Of a similarly defensive character was the establishment during the same reign in Dublin, by Act of Parliament, of a foundling hospital, and it is remarkable that this came to be regarded as so urgent a necessity there as to justify the appropriation of funds for it from the

national exchequer, the very next year after the memorable visit of George IV.

This famine year added a remarkably tragic personal event to the other annals of the time. Lord Castlereagh, who had been actively instrumental in effecting the Union, and who had all along been the prime mover against every form of concession, and in favour of every species of coercion, had succeeded to the title of Marquis of Londonderry so late as 1821. Almost the first thing he did, after his elevation to the peerage, was to introduce the last Coercion Acts devised by him into the House of Lords. On the 12th of the following August, 1822, he committed suicide by severing his carotid artery with a pen-knife. Of course he was insane, but how he became so is not so much of course. His friends said it was the mental strain of his arduous official duties. His foes said it was the torturing consciousness of his own manifold misdeeds. His friends procured him the honour of interment in Westminster Abbey, amongst his pall-bearers being the Duke of Wellington. Some of his foes vehemently resented the honour done to such a man, and saluted his funeral, to the very gates of the abbey, with shouts of execration. And so ended the career of a very conspicuous individual in history.

CHAPTER XXII.

CATHOLIC ACHIEVEMENTS — TITHE COMMUTATION —
 PROTESTANT RESISTANCE—RIOT AND DENUNCIATION
 —THE CATHOLIC ASSOCIATION—FIRST INSTITUTION
 OF THE PEOPLE'S "RENT"—MORE SUPPRESSION.

WHILE the famine of 1822 was raging, the efforts of the Catholic leaders were naturally relaxed, but in the course of the session Canning was appointed to be Governor of India, and, as a final effort on his part to obtain an instalment of the concessions he favoured, he introduced a bill for the admission of Catholic peers into the House of Lords. Peel and the government opposed, but their opposition was overcome in the Commons by a majority of five ! The Lords, as before, defeated the bill.

This course of the government was the more remarkable, because, while any definite concessions were resisted, there was a constant desire manifested to conciliate the Catholics. It was for this cause that the Marquis Wellesley had been made Lord Lieutenant, as his sympathy with Catholic claims was well known ; and he was so considerate towards the suffering people, and so courteous to the Catholics, some of whom he officially entertained, that he became a very popular favourite with the bulk of the people, and correspondingly excited the jealousy and ire of the Protestants.

It was in this spirit that an Act was passed by the government for the commutation of tithes, which provided for the leasing of tithes under new restrictions, but especially for the deduction by the tenant from his rent of the amount he had paid for tithes, thus throwing the

tithes upon the landlords, to the partial relief of the tenants. This practical concession, which, on the face of it, threw upon Protestant landlords the obligation of paying for the support of the Protestant Church, so exasperated the noisiest of the Protestants, that they sought to avenge themselves upon the Lord Lieutenant. This determination came to a head in November 1822. It had been the custom of the Protestants to march, on the 4th of that month, to College Green, to decorate the statue of William III. with silken trappings. This annual ceremony had been for many years persevered in, because it was known to be a source of great vexation to the Catholics. Lord Wellesley, determining to put an end to such childish exhibitions of religious animosity, forbade the ceremony, and effectually prevented it by a strong guard. The Protestant party assumed to be so justly insulted by this that the corporation of Dublin (an exclusively Protestant body) passed a vote of censure upon their Lord Mayor for taking part with the Lord Lieutenant; and the so-called Guild of Merchants, another Protestant body, passed resolutions demanding repeal of the Union as a peevish set-off, but nothing came of it. The Protestants, determined not to be balked of their revenge, got up a conspiracy to insult the Lord Lieutenant at the theatre, where, after riotous demonstrations of insult, a bottle and a fragment of a watchman's rattle were thrown at the viceregal box, amid a terrific uproar. The riot was only stopped by the intervention of a strong body of police. About the same time a certain Rev. Sir Harcourt Lees, and his Protestant associates, sent a petition to Parliament to put down Popery and to send O'Connell to the Tower, and placards and newspapers were circulated denouncing "O'Connell, the Pope, and the devil" as three conspirators to be disposed of; and these denunciations suited the Protestants of the city, and contributed very much to the riot, the Marquis Wellesley being clearly hinted at as a fourth party.

It was under these circumstances that O'Connell, with the newly-acquired co-operation of Shiel, founded the "Catholic Association," the first meeting of which, held in a tavern in Sackville Street, consisted

of only twenty persons ; but the early adhesion of Lord Killeen and the Earl of Kenmare soon added to its strength ; and John Doyle, Bishop of Kildare and Leighlin, writing over the initials of "J. K. L.," contributed very much to the power of the movement. By the following year (1823) this association had acquired considerable force, and in 1824 it was gaining influence very successfully. It consisted of members who paid a guinea per annum, and associates paying one shilling. Regular meetings were held every Saturday, at which the members spoke in a conversational manner with businesslike calmness. At first the association excited little notice and some contempt, but in the second year it developed considerably, and O'Connell devised a new system of monthly subscriptions of one penny, which he called "Catholic rent," and the numbers of pence contributed being soon immense, it became evident that the movement had a deep hold upon the masses of the people, and the evidence of popular approval adduced by the amounts raised encouraged the leaders and correspondingly alarmed the government. It was said that the collections of rent sometimes amounted to as much as fifty pounds in a day, and reached aggregates of many thousands sterling.

Writers who make a supreme merit of being anti-Catholic assert that these subscriptions of one penny per month were not voluntary, but were extorted by the influence of Popish priests and demagogues, and that a "poor, ignorant, and deluded peasantry" dared not refuse to pay the rent, which (one penny per month) was a heartless imposition upon an impoverished and suffering people. The evident extravagance of such assertions is their best refutation ; and it is not necessary to be a Catholic to believe that a novel source of revenue, appealing to the imagination by statements of enormous aggregate results, was extremely likely to become very popular amongst those from whom the rent was obtained. Complaints that no accounts were rendered, and insinuations that the money was improperly made away with, however founded upon facts, come with a bad grace from those who had made laws for the prevention of the very publicity which the issue of systematic accounts must have implied.

Rightly or wrongly, the Catholic Association grew. The intermittent occurrence of outrages was now ascribed to the new association, for want of a better excuse for the failure of coercion. So, on the 10th of February, 1825, Mr. Goulburn introduced a bill, ostensibly for the prevention of unlawful societies in Ireland, but in reality for the suppression of the Catholic Association. Mr. (afterwards Lord) Brougham interposed to get the bill withdrawn, but he was beaten by a majority of nearly three to one. The second reading was carried by 253 to 107. A division being also demanded on the third reading, it went still more decidedly in favour of the bill, which was rapidly got through the House of Lords, and received the royal assent on the 9th of March.

The Act was, in fact, an amendment or addition to the Convention Act; and it so clearly aimed at the suppression of the Catholic Association that it provided that "every society, committee, or body of persons already constituted or to be constituted, assuming or in any manner or by any means or contrivance exercising the power of acting for the purpose or under the pretence of procuring the redress of grievances in Church or State, or the alteration of any matters by law established, which shall continue or renew their meetings or proceedings, whether under the same or any different names, by adjournment or otherwise, for a longer time than fourteen days from their first meeting, is to be deemed an unlawful combination or confederacy."

For the express purpose of stopping the payment of "rent," the Act provides that it shall be unlawful for any society lasting for more than fourteen days to appoint, authorize, or employ any president, secretary, delegate, or other officer to represent it, or any treasurer or collector to levy or receive any money or contributions.

It is also declared unlawful for any society to exist that is composed of separate branches, or corresponding with any other society, or excluding persons of any religion allowed by law, or taking any lawful oath at any time or place not required by law.

Members and officers of any such society are rendered liable to fine and imprisonment, as for misdemeanour, at the discretion of the court

trying the case. And every person who permits a meeting in his house contrary to the provisions of the Act is liable to a penalty of five pounds, or, for a second offence, to punishment as for a misdemeanour.

An exception is made of societies for the promotion of religion, charity, science, agriculture, manufactures, or commerce.

It is a gratifying variety in the gloom of Irish history to learn that the harvest of 1824 was plentiful, and that, as famine had done more to stop violence than all the statutes could do, so now we find that abundance did more than famine towards the restoration of tranquillity, which no effort of the authorities could secure in adverse circumstances. It seems likely that this tranquillity, and the prosperity that caused it, added materially to the magnitude of the subscriptions to the Catholic Association ; and it, in its turn, by leading the people to suppose that their grievances might perhaps be removed through the influence of their peaceful combination, was well calculated to prolong the tranquillity, and to teach the people the virtue of patience in their sufferings, based upon the newly-found hope of a happy issue out of their afflictions.

But the period was a brief one. The Unlawful Societies Act speedily crushed the Catholic Association, which fell without a struggle. As though to prove the impotence of suppression, another combination was immediately formed, based upon payments of one pound, and so contrived as to evade the letter of the new Act, in defiance of which the Catholic movement grew daily into the assured strength that eventually led to triumph. That triumph seemed, indeed, already nearer than it proved to be, for almost simultaneously with the Act for the suppression of the association, Sir Francis Burdett carried resolutions to the effect that it was desirable and expedient that Roman Catholics should be admitted to the same political privileges as their Protestant fellow-subjects. A bill was founded upon the resolutions, and after the vehement opposition of the government and a very stormy debate, it passed the Commons by a majority of nineteen in a full House. The feeling was so strong in favour of the bill that it was confidently expected it would pass the Lords, but the Duke of York

again interposed, saying, amongst other things, "I never would consent to allow the claims of the Catholics, so help me God!" Other peers joined him, and such an opposition, described as infuriated, induced the House to reject the bill. Thus, once more, coercion prevailed over concession; and the history of Ireland, after a brief period of brightness and hope, plunges into another cloud of darkness and despair.

CHAPTER XXIII.

OFFICIAL RECOGNITION OF GRIEVANCES—DEATH OF THE
DUKE OF YORK—DEATH OF LORD LIVERPOOL—
CANNING'S MINISTRY AND DEATH.

BUT though the government and Parliament refused concessions, and indulged in coercion, the habitual degradation of the people forced itself upon public notice. Two parliamentary committees were appointed, one in 1824 and the other in 1825, for the purpose of making inquiries into the state of Ireland.

As we have just seen, it was a period of comparative plenty and peace, and the reports of those committees therefore afford pictures of Ireland at her best about that time.

Accordingly it was reported that the Irish peasantry, with few exceptions, lived in the most degraded state, without property, and without the possibility of acquiring property, which latter is a very eloquent admission to be deliberately made by a body of men composed of the nobility and gentry. They also said the peasantry barely sustained animal existence by a very insufficient quantity of food of the most wretched kind. They were, with scarcely an exception, the slaves and tools of the landlords, and their dependence, poverty, and degradation were aggravated by the mode in which the tithes were collected, in defiance of recent regulations, and by the defective administration of justice by the local courts, which were of necessity exclusively Protestant.

The population seemed to be rapidly on the increase, every new birth adding a new item to the general squalor and misery. It

appeared to the committees that the people (notwithstanding the bountiful harvest) had lost all heart, and that hope was unknown to them. Though ascribing much of the degradation to religious causes, the committees admitted that very much of it was unquestionably owing to the state of property. Almost every estate was overladen by jointures, settlements, and mortgages, and the proprietors mostly absentees. They drew their rents from Ireland, but spent them in England, France, or Germany. In their absence, without knowledge of or sympathy with individual tenants, their sole object with regard to their estates was to get as much rent as possible. Therefore almost every estate was in the control of an agent, who, acting as a middleman, and renting or hiring the whole estate at a lump sum, was at liberty to get all the rent he could from the tenants, every shilling of increase being his own profit.

Just as the small retail purchaser pays a higher price than the wholesale merchant, so the small holder of land pays a higher rent in proportion, and for this cause it was generally the interest of the middlemen to subdivide again and again, raising the proportion of rent every time, until, what with subdivision and high rents, it was impossible for the tenants to get an adequate subsistence.

The cabins in which the people lived were of the most wretched description. Whole families—all ages and both sexes—commonly lived in one room, where the decencies of a reasonable life could not be observed. There was such a dearth of employment that at that time (in that prosperous year) thousands of able-bodied labourers were willing to work for twopence per day, and it was estimated that a million of individuals lived or eked out a living by mendicancy. Such was the evidence concerning the incongruous condition of things, that it was computed that two and a quarter millions sterling were given away by voluntary charitable institutions, besides the money and other relief distributed under the Poor Law, the whole being more than half the public revenue.

The competition for land at that time is said to have been only comparable with the urgent desire to get at provisions in a besieged

city, and the rents rose so high that the committee admitted it was seldom possible for them to be paid, in addition to which the ever-present fear of starvation induced the outcasts to enter into any covenants however unreasonable, for the sake of acquiring a tenancy however undesirable. By mere force of such covenants, without the intervention of any ejectment or other process of law, it was a common thing for a landlord or middleman to have the power of seizing the tenant's bed, cow, or potatoes at any moment of default, and the power was often exercised in the most arbitrary and cruel manner. It is said this was often done as a means of forcing down wages. Thus, if any contractor wanted a party of men to make a road, and he was unable to make such terms as he thought fit, he had only to arrange with the middleman, and the tenants would be obliged to accept the offer under threat of eviction or seizure.

What might be called the better class of tenants were almost as straitened in their circumstances as the worst, owing to the circumstances described by one of the witnesses examined by the committee of 1825. This was Sir Frankland Lewis, who was an English landlord, having also estates in Ireland, and he said in his evidence, "Nothing is more striking in Ireland than that a number of burdens, which English landlords are willing to take upon themselves, the Irish landlords do not find it necessary to take upon themselves. In the maintenance of a farm in England all the expensive part of the capital employed upon a farm is provided by the landlord; the houses, the gates, the fences, and the drains are all provided by the landlords. Everybody knows that in Ireland that is not the practice; at the same time that the landlord obtains as rent in Ireland a much larger proportion of the value of the produce of the land than he obtains in England, and in parts of Ireland, it appears to me that the landlord sometimes obtains for rent more than is produced by the land."

Mr. Nimmo, an eminent engineer, speaking of the alleged idleness of Irishmen, said: "I conceive the peasantry of Ireland to be in general in the lowest possible state of existence. Their cabins are in

the most miserable condition, and their food—potatoes, with water ; not even salt " [in a year of plenty]. " I have frequently met persons who begged of me on their knees to give them some promise of employment, that from the credit of that they might get the means of support," confidence in each man's willingness to work being sufficient, it will be observed, to induce tradespeople to trust him when he had got only a promise of employment.

In the midst of reports like these, intelligence came of the death of the Duke of York, on the 5th of January, 1827. It was not forgotten in Ireland how often he had stood in the way of concessions, and how very conspicuous he had made himself on two occasions as an opponent of Catholic claims. During his lingering dropsical complaint it had become known that he was now incurable in health, as he had proved himself to be in disposition. Almost universal expressions of satisfaction at the anticipation of his death were indulged in by the Irish, led by O'Connell, and when his end came the feeling was the reverse of grief.

On the 12th of the succeeding February, Lord Liverpool, the Premier, was struck with paralysis. The duty devolved upon the King of choosing a new Prime Minister. Whether it was the recent death of his brother, the Duke of York, or whatever else it was that influenced him, there was something that must have powerfully moved him to send for Canning, which he did, the death of Lord Liverpool occurring very soon after the paralytic attack. Of course the King could not have forgotten that Canning had consistently and unwaveringly advocated concessions to Catholic claims, and there seems good ground for believing that, now the Duke of York and other influences of the kind were removed, the King was at this time willing to make the plunge, and desirous of making it. Peel, Wellington, and Eldon refused to serve with Canning, so he had to form a ministry how he could, and being in favour of Catholic emancipation, and at the same time a member of the Tory party, his difficulties were not inconsiderable. It was not until April the 11th that he was able to show some signs of having succeeded. On Parliament reassembling, Mr. Peel

took an early opportunity of explaining the circumstances of his retirement from office.

Peel's explanation of that day should be considered in connection with events that so speedily followed. He said that "for eighteen years, from the first moment of his political life, whether in office or out of office, he had constantly offered an uncompromising, but, he trusted, a temperate and constitutional resistance, to the extension of political privileges to Roman Catholics." He said "this opposition was founded on principle. He thought the continuance of those bars which excluded Roman Catholics from the acquisition of political power was necessary for the maintenance of the constitution and the safety of the Established Church. Therefore it was that he opposed their removal; and cherishing at that moment the same opinions which he had always entertained, and having taken an active and prominent part in the support of those opinions as a minister of the crown, he could not, consistently with his honour as a public man, agree to an arrangement which would, he knew, be beneficial to himself, but which would likewise, if he retained office, materially forward the success of a question to which he could never agree, and to which he had always offered, and to which he always must offer, the most open and decided resistance. Therefore he determined to retire from the public service if Mr. Canning should be placed at the head of the treasury. If his opinion had been changed, he would have felt himself bound by a sense of public duty to have accepted office under his right honourable friend's administration, and have kept himself free from even the most distant supposition of being actuated by private or personal feelings. But as his opinion remained unchanged, as the Duke of York was no more, and the voice of Lord Liverpool was silent, he conceived that he had done right in acting upon his conscientious belief that the contemplated changes would strengthen a vital public question which he had always opposed, and that in these changes, therefore, he ought not to concur." He said "he gave up office because he could not hold it in connection with any administration that was likely to forward the claims of the Catholics."

Canning secured in his ministry the Dukes of Devonshire, Portland, and Leeds, and the Duke of Clarence (afterwards William IV.) accepted the office of Lord High Admiral, so that Canning was not without influential support ; but he was opposed by Wellington and Peel, and by his former associates, as well as by Earl Grey and others, who were extremely jealous of his talents, and maliciously exasperated at the manner in which he had criticised their former career. In defiance of this, measures of minor amelioration for Ireland (almost the first of their kind) were carried, and seemed to be the precursors of a thoroughly liberal policy contemplated in the following session. But that session Canning never lived to see. He was so isolated and grieved at the desertion of those he had learned to regard as his friends—so committed to the first principles of Toryism, and probably quite alive to the fact that his projects of amelioration were directly in the face of those principles—so overwhelmed with the duties and anxieties of the offices he had undertaken—that his health gave way beyond the possibility of recovery. When Parliament was prorogued, he retired to the villa of the Duke of Devonshire at Chiswick, and there breathed his last, on the 8th of August, 1827 ; and so died one of the best men of his time, who had the misfortune to outrun the education in which he had been brought up, and to be in advance of the period in which he lived.

It is again very noticeable that the King, in this extreme emergency, did not invite Wellington or Peel to form the new ministry. On the contrary, he offered the premiership to Lord Goderich, who was already in office under Canning. This seems to point to the conclusion that the influence of Canning while in office, added to previous reflections, had confirmed the King in his desire to concede the claims of the Catholics. But Lord Goderich proved to be incapable of holding a ministry together. His administration commenced on the 10th of August, but accumulating official difficulties compelled him to resign in January 1828, so that his period of office was barren of important results.

As there seemed to be no alternative, the King now entrusted the

formation of a ministry to the Duke of Wellington, who became Premier on the 11th January, 1828, with Mr. Peel as Home Secretary and leader in the Commons.

It is one of the suggestive circumstances of this change of ministry that the Marquis of Anglesea was retained as Lord Lieutenant of Ireland. As he had been appointed by Canning at a crisis when Catholic claims were of the first importance in that country, he must at least have been at that time not decidedly opposed to those claims, and he subsequently became distinctly favourable to them. It is therefore strong evidence that Wellington and Peel, when they arranged to retain him in his office, had already come to the conclusion that the claims could no longer be resisted. Events were, in fact, hurrying them on faster than they were aware of.

CHAPTER XXIV.

WHAT IT WAS ALL ABOUT—THE OATHS OF EXCLUSION.

THE agitation for so-called Catholic emancipation arose entirely out of special legislation for maintaining Protestant ascendancy, and chiefly from the oaths which from time to time had been devised for the exclusion of Catholics. These oaths were first prescribed after the Reformation, in the time of Henry VIII., and they were renewed during the reign of Edward VI.; but, so far, they were abolished during the reign of Mary, and we have therefore to look exclusively to subsequent times for a real history of the questions at issue.

The very first Act passed under Elizabeth was for the purpose of restoring the oaths of the date of Henry and Edward (that were repealed in the time of Mary), with additional securities. This Act of the first year of Elizabeth, chapter 1, was "An Acte restoring to the Crowne the ancient jurisdiction over the state ecclesiasticall and spirituall, and abolyshing all foraigne power repugnaunt to the same." It is graphically illustrative of the ideas that prevailed at that time (1559), and clearly indicates the objects in view. It commences, "Most humbly beseeche your most excellent majestie, your faithful and obedyent subiectes, the lordes spirituall and temporall, and the commons in this your present parliament assembled, that where in tyme of the raigne of your moste deare father of worthye memorie King Henrye the eyght, diverse good lawes and statutes were made and established, as wel for the better extinguishment and putting away of all usurped and foreigne powers and auctorities out of this your realme, . . . as also for the restoring and uniting to the imperial crowne of this realme, the ancient jurisdictions, authorities, superiorities, and

preheminences to the same of ryght belongyng and apparteynyng, by reason whereof, we your most humble and obedient subiectes, from the xxv yere of the raigne of your said deare father, were continually kept in good order." The Act goes on amongst other things to provide that all archbishops, bishops, clergy, judges, mayors, officers, and ministers, "and everye other person having your hyghnesse fees or wages within this realme, or any your hyghnesse dominions, shall make, take, and receave a corporal othe upon the Evangelist, before such person or persons as shall please your hyghnesse, your heyres or successours, under the greate seale of Englande, to assigne and name, to accepte and take the same accordyng to the tenour and effecte hereafter followyng : that is to saye, 'I, A B, do utterlye testifie and declare in my conscience, that the Queenes hyghness is the only supream governour of this realme, and of all other her hyghness dominions and countreys, as well in all spirituall and ecclesiasticall thinges or causes, as temporal, and that no forraigne prince, parson, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superioritie, preheminance, or auctoritie, ecclesiasticall or spirituall, within this realme, and therefore I do utterlie renounce and forsake al forraigne jurisdictions, powers, superiorities, and auctorities, and do promise that from henceforth I shall beare fayth and true allegiance to the Queenes hyghness, her heyres and lawfull successors, and to my power shall assiste and defend all jurisdictions, privileges, preheminencies, and authorities, graunted or belongyng to the Queenes hyghnes, her heyres and successors, or united and annexed to the imperiall crowne of this realme, so help me God, and by the contentes of this booke.'

The aforesaid Act, though drawn with so much evident labour and exercise of the spirit, contrived to omit members of both Houses of Parliament, as they, as such, received no "fees or wages," and were not otherwise included in the descriptions of persons enumerated. It was very soon perceived, therefore, that persons who were suspected of being Catholics, and otherwise disloyal, were not barred already by the aforesaid oath, and that it would be convenient to bar them by it. At this crisis, the Queen expressed her entire confidence in the perfect

loyalty of all the peers, and her desire that no additional obligations should be imposed upon them ; but she agreed with her ministers that an additional check was required upon the admission of members of the House of Commons. This agreement resulted in the passing of the first Act of the fifth year of Elizabeth, "An Acte for the assurance of the Quenes Maiesties royall power over all states and subiectes within her highnesse dominions ;" which Act, after imposing the aforesaid oath upon all persons in holy orders, so as not to omit any of the clergy, and also upon barristers, solicitors, and sundry other persons, goes on to say, "And be it further enacted, that every person whiche hereafter shal be elected or appoynted a knyght, citizen, or burgesse or baron for any of the four portes for any parliament or parliamentes hereafter to be holden : shall from henceforth before he shal enter into the Parliament House or have any voyce there, openly receaue and pronounce the sayde othe before the Lord Steward for the tyme beyng, or his deputie or deputies for that tyme to be appoynted. And that he which shall enter in to the Parliament House without takyng the said othe shall be deemed no knyght, citezin, burgesse, nor baron for that parliament, nor shall have any voyce ; but shall be to all intentes, constructions and purposes as if he had never been retourned nor elected, and shall suffer such paynes and penalties as yf he had presumed to sytte in the same without election, retourn, or auctoritie."

Thus was imposed upon all members of the House of Commons what is usually called the "Oath of Supremacy."

A further oath, usually called the "Oath of Allegiance," was introduced by the fourth chapter of the third year of James the First, by "An Acte for the better discouering and repressing of popish recusantes ;" which recites that "Forasmuch as it is found by daily experience that many of his maiesty's subiects, that adhere in their hearts to the popish religion, by the infection drawn from thence, and by the wicked and devilish counsell of jesuites, seminaries and other like persons dangerous to the church and state, are so farre peruerted in the point of their loyalties and due allegiance unto the king's

majestie and the crowne of England, as they are ready to entertayne and execute any treasonable conspiracies and practises, as evidently appears by the more than barbarous and horrible attempt to haue blownen vp with gunpowder the king, queene, prince, lords and commons in the House of Parliament assembled, tending to the utter subuersion of the whole state . . . for the better discovering of such persons and their euill affections to the kings maiesty."

After confirming and extending former Acts for compelling persons to attend church and take the sacrament, it prescribes the following oath to be administered to any person known to be a Catholic, or suspected of being one: "I, A B, do truely and sincerely acknowledge, professe, testifie, and declare in my conscience before God and the world, That our soveraigne lord King James is lawfull and rightful king of this realme and of all other his maiesties dominions and countries; And that the pope neither of himselfe, nor by any authoritie of the church or sea of Rome, or by any other means with any other hath any power or authoritie to depose the king, or to dispose any of his majesties kingdomes or dominions, or to authorize any forraigne prince to inuade or annoy him or his countreys or to discharge any of his subiects of their allegiance and obedience to his maiestie, or to give license or leaue to any of them to beare arms, raise tumult, or to offer any violence or hurt to his maiestys royal person, state or gouernment, or to any of his maiestys subiects within his maiestys dominions. Also I doe sweare from my heart that notwithstanding any declaration or sentence of excommunication or deprivation made or granted, or to be made or granted by the pope or his successours, or by any authoritie deriued or pretended to be deriued from him or his sea against the said king, his heirs or successors, or any absolution of the said subiects from their obedience: I will beare faith and true allegiance to his majestie, his heirs and successors and him and them will defend to the vttermost of my power against all conspiracies and attempts whatsoever which shall bee made against his or their persons, their crown and dignitie, by reason or colour of any such sentence or declaration or otherwise, and will doe my best endeauour to disclose

and make knowen vnto his maiestie, his heirs and successours, all treasons and traitorous conspiracies, which I shall know or heare of to be against him or any of them. And I do further sweare, that I do from my heart abhor, detest and abiure, as impious and hereticall, this damnable doctrine and position, That princes which be excommunicated or deprived by the pope may be deposed or murthered by their subjects or any other whatsoever. And I doe beleeeue and in conscience am resolved, that neither the pope nor any person whatsoever hath power to absolve mee of this oath, or any part thereof, which I acknowledge by good and full authoritie to bee lawfully ministered vnto me, and doe renounce all pardons and dispensations to the contrary. And all these things I doe plainely and sincerely acknowledge and sweare, according to these expresse wordes by me spoken, And according to the plaine and common sense and vnderstanding of the same wordes, without any equivocation or mentall euasion, or secret reseruatiō whatsoever. And I doe make this recognition and acknowledgment heartily, willingly, and truely, vpon the true faith of a christian. So help me God."

It was afterwards discovered or supposed that the preceding oaths of supremacy and allegiance were insufficient to bind the consciences of persons who were Catholics in disguise. There was also a growing jealousy of Puritans and other dissenters. To meet these cases, therefore, and to exclude all but members of the Church of England from public offices and employments, certain Acts were passed during the reign of Charles the Second, which, though not expressly so called, were afterwards known as The Test and Corporation Acts. The first of these, passed in 1661 (13 Charles II., st. 2, c. 1), appointed commissioners whose duty it was to see that "all persons who, upon the four and twentieth day of December, one thousand eight hundred and sixty one, shall be maiors, aldermen, recorders, bailiffs, town clerks, common counsell men, and other persons then bearing any office or offices of magistracy, or places, or trusts, or other imployment relating to or concerning the government of the said respective cities, corporations, and burroughs, and cinque ports, and their members, and other

post towns, shall at any time before the five and twentieth day of March, one thousand six hundred sixty and three, when they shall be thereunto required by the said respective commissioners . . . take the oaths of allegiance and supremacy, and this oath following : I, A B, do declare and believe, That it is not lawful, upon any pretence whatsoever, to take arms against the king ; and that I do abhor that traitorous position of taking arms by his authority against his permission, or against those who are commissioned by him : So help me God." And, at the same time, the holder of office was required to subscribe his name to a declaration that "I, A B, do declare, That I hold that there lies no obligation upon me, or any other person, from the oath commonly called The Solemn League and Covenant ; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm, against the known laws and liberties of the kingdom." This extract marks a revolution in Parliamentary spelling.

The Act further provided that "no person or persons shall for ever hereafter be placed, elected, or chosen in or to any of the offices or places aforesaid, that shall not have within one year next before such election, or choice, taken the sacrament of the Lord's Supper, according to the rites of the Church of England, and that every such person and persons so placed, elected, or chosen shall likewise take the aforesaid three oaths, and subscribe the said declaration at the same time ;" and, failing observance of all the foregoing requirements, all offices to be void "as though the respective persons were naturally dead."

This Act was not strong enough, either for its avowed purpose or to suit the official tendencies of the times, so in 1673 (25 Charles II. c. 2) there was passed "An Act for preventing dangers which may happen from popish recusants," which Act extended the provisions just described to "all and every person or persons, as well peers as commoners, that shall bear any office or offices, civil or military, or shall receive any pay, salary, fee, or wages from his Majesty, or shall have command or place of trust from or under his Majesty . . . and shall also receive the sacrament of the Lord's Supper according to the

usage of the Church of England within three months after his or their admittances in or receiving their said authority or employment in some public church upon some Lord's Day, commonly called Sunday, immediately after divine service and sermon." And all persons exercising any office without observing the aforesaid requirements are barred from receiving any legacy or gift by deed, in addition to being fined five hundred pounds.

Every person not bred up in the popish religion, breeding up or educating his children in the popish religion, is barred from all offices ; and the children also, until they have taken the oaths and the sacrament as before described.

This Act also provided, "That at the same time when the persons concerned in this Act shall take the aforesaid oaths of supremacy and allegiance, they shall likewise make and subscribe this declaration following, under the same penalties and forfeitures as by this Act is appointed : 'I, A B, do declare, That I do believe that there is not any transubstantiation in the sacrament of the Lord's Supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever.'"

It is said that this declaration was so appropriate for its purpose that it had the effect of excluding from office many considerable personages, especially the Duke of York, the King's brother, afterwards James II.

Succession to the crown being subsequently settled upon William and Mary, and also, failing issue, upon Protestant successors, to the strict exclusion of Catholics, it was then thought necessary to add to the foregoing the "Oath of Abjuration." This was first prescribed in 1702, by the Act 13 and 14 William III. c. 6 : "An Act for the further security of his Majesties person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales and all other pretenders and their open and secret abettors." This Act prescribed, for every person placed under the obligations of the Act of 1673, and also all "ecclesiastical persons, all members of colleges and halls, and all persons teaching pupils in either university or elsewhere, and all schoolmasters and ushers, and all

preachers and teachers of separate congregations, and every person who shall act as serjeant at law, counsellor of law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary," an additional form of oath, under pain of forfeiture of office, a penalty of £500, and certain civil disabilities. And the Act further makes it an obligation for every peer and every member of the House of Commons publicly, in each House respectively, to take the same oath at the table, at a full sitting of either House respectively, and with the Speaker in the chair. And whoever shall "presume to vote or make his proxy, not having taken the said oath, and subscribed the same, as aforesaid, every such peer or member so offending shall from thenceforth be deemed and adjudged a popish recusant convict, to all intents and purposes whatsoever, and shall forfeit and suffer as a popish recusant convict, and shall be disabled to hold or execute any office or place of profit or trust, civil or military, and shall be disabled from thenceforth to sit or vote in either House of Parliament, or make a proxy in the House of Peers, or to sue or use any action, bill, plaint, or information in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, and shall forfeit for every wilful offence against this Act the sum of five hundred pounds, to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any action of debt, suit, bill, plaint, or information in any of his Majesty's courts at Westminster, wherein no assign, protection, or wager of law shall lie."

This Act was assented to by William III. on his death-bed (1702). By an Act of the following year, it was confirmed in all the above particulars, only altering the oath so as to make it as follows: "I, A B, do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, That our sovereign lady Queen Anne is lawful and rightful queen of this realm and of all other her Majestys dominions and countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe in my conscience that the person pretended to be Prince of Wales, during the life of

the late King James, and since his decease pretended to be, and taking upon himself the stile and title of King of England, by the name of James the Third, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging ; and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, That I will bear faith and true allegiance to her Majesty Queen Anne, and her will defend, to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against her person, crown, or dignity. And I will do my best endeavour to disclose and make known to her Majesty and her successors, all treasons and traitorous conspiracies, which I shall know to be against her, or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the limitation and succession of the crown against him the said James and all other persons whatsoever as the same is and stands limited by an Act intituled, An Act declaring the rights and liberties of the subject, and settling the succession of the crown to her present Majesty, and the heirs of her body, being Protestants. And as the same by one other Act intituled, An Act for the further limitation of the crown, and better securing the rights and liberties of the subject, is and stands limited after the decease of her Majesty, and for default of issue of her Majesty, to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promise, heartily, willingly, and truly, upon the true faith of a Christian. So help me God."

This oath of abjuration was remodelled, so as to apply to the circumstances of the time in 1766, including all essential conditions, obligations, and penalties.

In 1791, all the obligations and penalties being still retained, a form

of words was substituted (31 Geo. III. c. 32) expressly for the use of Catholics, which in certain cases they were permitted to take in lieu of the foregoing. The Catholic was required to declare, "I, A B, do hereby declare that I do profess the Roman Catholic religion." After which, the following form of oath was admissible: "I, A B, do sincerely promise and swear that I will be faithful and bear true allegiance to his Majesty King George the Third, and him will defend to the utmost of my power against all conspiracies and attempts whatever that shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs and successors, all treasons and traiterous conspiracies which may be formed against him or them, and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown; which succession, by an Act intituled, An Act for the further limitation of the crown, and better securing the rights and liberties of the subject, is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of these realms: And I do swear that I do reject and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being hereticks or infidels; and also that unchristian and impious principle, that faith is not to be kept with hereticks or infidels: And I further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated by the Pope and Council, or any authority of the see of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects or any person whatsoever: And I do promise, that I will not hold, maintain, or abet any such opinion, or any other opinions contrary to what is expressed in this declaration: And I do declare, that I do not believe that the Pope of Rome, or any other foreign prince, prelate, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or in-

directly, within this realm : And I do solemnly, in the presence of God, profess, testify, and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever ; and without any dispensation already granted by the Pope, or any authority of the see of Rome, or any person whatever ; and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope or any other person or authority whatsoever shall dispense with or annul the same, or declare that it was null or void. So help me God."

Such was the situation, with regard to the exclusion of Catholics, immediately prior to the events described in the next chapter. It was not only Catholics who were aggrieved. Large numbers of Protestant dissenters were barred from holding office, or entering the professions, by their inability to accept all the conditions imposed, so it may be fairly presumed that a large proportion of the petitions said to have emanated from Protestants were got up and signed for and in the interest of dissenting bodies, who regarded Catholic emancipation as the stepping-stone to their own emancipation also.

CHAPTER XXV.

MODIFICATION OF THE TEST AND CORPORATION ACTS.

THE newly-constituted Catholic Association that was formed in defiance of the Act for the suppression of its predecessor, acquired strength and received support from an increasing number of adherents; and it had so successfully evaded prosecution that when the Suppression Act expired, two years after it was passed, no attempt was made to renew it, so the association extended its ramifications and its collection of funds without legal recognition or interference.

Previously to 1826, the county representation of Ireland in Parliament had rested almost exclusively with the Protestant landed proprietors, who successfully exercised all the arts of electioneering to secure the return of their own nominees, the voters being so much at their mercy. In 1825 it for the first time occurred to the leaders of the association to use its influence in the return of members. As Catholics, in consequence of the oaths, were not admissible to Parliament, the original idea was to promote the election of men who, though Protestants, were known to be in favour of the Catholic claims. An opportunity offered itself in the general election of 1826, when, by the influence of the association, Mr. Villiers Stuart was newly returned for Waterford county, in opposition to Lord George Beresford; and in Louth county a still more important contest was conducted by the association. There it procured the nomination of Mr. Dawson, a Liberal retired barrister, in opposition to Mr. Fortescue, the nominee of Lord Roden. Mr. Shiel went from Dublin into Louth, and rendered valuable assistance, Mr. Dawson was attended to the polls by immense multitudes of forty-shilling freeholders, who marched with him into

Dundalk with green banners flying. The contest was close, for the influence and terrorism of the anti-Catholic landed proprietors was extreme, so that it needed all the force of the association to bring up the voters. Mr. Dawson was duly elected ; and this, with some other less conspicuous triumphs, gave great encouragement to the association.

This kind of thing went on until 1828, when, Parliament having opened early in February, a petition was presented, signed by 800,000 Catholics, praying for the repeal of the Test and Corporation Acts. This was done, not for the relief of Catholics, for the Acts did not apply in Ireland, but in order to create sympathy for reform amongst the Dissenters of England.

The petition had the desired effect. Within the same month, on the 26th of February, Lord John Russell (who was then leader of the Whig opposition) moved for the repeal of the Acts. His motion was languidly resisted by Peel, the feebleness of his opposition being excused on the ground that it affected Dissenters and Englishmen rather than Catholics and the Irish, and a resolution in favour of repeal was carried by 293 to 237. The bill which resulted from the resolution passed through both Houses almost without remark, and became law in April. The moral effect of it was far greater in proportion than the changes it actually made. It proved to be the turning-point in a course of legislation that had been disastrous, and was made the ground for more considerable concessions ; and from those points of view, it may be regarded with great satisfaction, but, like so many overrated enactments, it really did far less in itself than it is popularly supposed to have done, and when spoken of (as it too commonly is) as the repeal of the Test and Corporation Acts, the description is extremely delusive. So far as every one of the oaths and declarations referred to in the last chapter are concerned, it left them untouched, unnoticed, and unmentioned ; it left them precisely as they were, without the slightest qualification ; all that it did was to repeal " so much of several Acts as imposes the necessity of receiving the sacrament of the Lord's Supper as a qualification for certain offices

and employments." And, in lieu of taking the Lord's Supper, it made it an obligation to subscribe, before two justices of the peace or other similarly qualified authorities, the following declaration : "I, A B, do solemnly and sincerely, in the presence of God, profess, testify, and declare, upon the true faith of a Christian, that I will never exercise any power, authority, or influence which I may possess by virtue of the office of _____ to injure or weaken the Protestant Church as it is by law established in England, or to disturb the said Church, or the bishops and clergy of the said Church, in the possession of any rights or privileges to which such Church, or the said bishops and clergy, are or may be by law entitled." This declaration, in lieu of taking the Lord's Supper, was to be subscribed by corporate officials "within one calendar month next before or upon admission," or by persons holding offices under the Crown "within six months after admission." The Act exempts from the declaration, but not from the oaths, all naval and military officers under the rank of rear-admiral and major-general, and all revenue officers ; and barristers, solicitors, professors, teachers, etc., escape the declaration, but not the oaths, by not being enumerated as liable to it.

So ended the official obligation to take the Lord's Supper.

CHAPTER XXVI.

ELECTION OF O'CONNELL FOR CLARE—ITS IMMEDIATE RESULTS.

ON receipt of the news of what was going on in Parliament, the Catholic Association, instead of meeting only once a week, began to sit daily. Its influence increased in proportion, and an opportunity was at hand for giving a striking example of that influence.

A few weeks after the passing of the modification of the Test and Corporation Acts, several members of the Cabinet seceded ; whether because they did not concur in that Act, or whether they disapproved of what was further contemplated, is not recorded ; but the disruption led to one of the most striking events in the history of Ireland.

Amongst the new ministers who were introduced to fill up the vacancies was Mr. Vesey Fitzgerald, who was made President of the Board of Trade, and was therefore required to vacate his seat for Clare, for which constituency he sought re-election in the usual course. Accordingly, he issued his address to the electors, and fully expected to be returned without opposition. This gentleman was admitted on all hands to be a highly honourable and liberal gentleman. He was also, though a Protestant, known as a warm friend of Catholic emancipation, besides being the son of a well-remembered anti-Unionist. Personally, and as a question of abstract politics, the association had not a word to say against him. Twelve months before, his election would have been hailed with congratulations. But the association had entered into a compact to oppose the election of every candidate who should declare in favour of the Wellington-Peel ministry. One who

had accepted office under that ministry was peculiarly objectionable, so the association very reluctantly decided to oppose him.

The association having determined to contest Clare, diligent conferences ensued with a view to choosing such a Protestant, eligible to sit in Parliament, as the association could accept. The choice fell upon Major MacNamara, one of the landed proprietors of Clare, and known to be a thorough Irishman and friendly to Catholic claims. He was distinguished by an extraordinary conceit concerning his resemblance to the King, whom he endeavoured to ape by wiggling and dressing himself for the purpose. Otherwise, he had established a just reputation as a good landlord, an excellent magistrate, and a protector of the poor and oppressed. But, unknown to the association, Major MacNamara was very intimate and friendly with Mr. Vesey Fitzgerald, whose return he heartily desired to secure; so, in order to favour him and to place the association at a disadvantage by delay, he refrained from returning any reply to the invitation to become a candidate. The association, after waiting some days in vain, sent down Mr. Steele and Mr. O'Gorman Mahon to inquire into the disposition of the priests and people, and to get the reply of Major MacNamara. They soon learned the cause of delay, and found the Fitzgerald party assiduously canvassing the electors, and boasting that no gentleman in the county would stoop so low as to accept the patronage of the association. Indignant at the duplicity that had been practised upon them, the chief men of the association were fired with an intense spirit of resistance which resulted in Daniel O'Connell being put forward as the association candidate, in defiance of his disqualification as a Catholic.

The great family interests of the O'Briens and Vandeleurs joined with the MacNamara party in promoting the candidature of Fitzgerald. They all considered their tenantry as serfs who were bound to vote for their masters; and it was an established understanding in Ireland that if any gentleman interfered with another's tenants by canvassing them, in order to induce them to vote against their landlords, the interference was to be resented as a personal insult. Notwithstand-

ing this, Steele plunged heart and soul into the work of canvassing, publicly intimating his readiness to fight any landlord who considered himself thereby insulted, he being himself a landlord of Clare. The whole people were in a state of excessive excitement through the stirring address of O'Connell; the priests arose as one man to advocate his return, traversing the county with impetuous appeals to the people, addressing them at all hours and in all places—in the chapels after mass, on the hill-sides, in the village markets, by day and night. Father Maguire joined them from Leitrim, and John Lawless, the editor of the *Irishman*, from Belfast, and popular enthusiasm was thoroughly aroused. On the arrival of O'Connell, in a green carriage, at Ennis, the town, which ordinarily had a population of only eight thousand, was thronged with a multitude exceeding thirty thousand. Green flags waved from the windows; exciting addresses were constantly delivered from balconies and flights of steps; priests and people joined in one glad carnival. Family feuds were suspended or terminated; there was no drunkenness; no man ventured to raise a hand against another; from beginning to end there was not the slightest disturbance or disorder; it was a triumphant demonstration that when the people are allowed to proceed by constitutional means, there is no disposition to resort to violence. When O'Connell appeared to address the multitude, women cried and laughed—strangers who had never seen each other wrung each other's hands—hands and handkerchiefs were waved from every window—cheers arose from the mouths of every one present—electors were impelled as by a tempest to support O'Connell to the death; and almost death it was to many who had to bear the subsequent resentment of their enraged landlords, for at the close of the poll, on the 5th of July, 1828, the numbers stood for O'Connell 2,057, against only 1,075 for his opponent.

It was immediately contended that O'Connell, being a Catholic, could not be returned, but the returning officer held that it did not rest with him to decide, but with Parliament; and O'Connell was accordingly proclaimed duly elected, to the wild delight of his supporters, who

were now at leisure to watch the result, and to bear the brunt of the resentment created by their temerity.

O'Connell was chaired in the presence of sixty thousand persons, and his return to Dublin was one continual triumphal procession, without interruption or breach of the peace. Not so with Lawless. On starting back to Belfast, he was joined by an escort of many thousands, who found sympathy in Meath, but fierce opposition in Monaghan, where the Orangemen were strong, armed, and infuriated at what they considered the triumph of Jezebel. It was only by the friendly exertions of General Thornton, the military commandant of the district, that a serious collision was prevented, and Mr. Lawless and his friends suffered to go on their way. So strong was the excitement that for several weeks there were serious apprehensions of an outbreak amounting to a civil war.

Some writers say that O'Connell hastened to claim his seat at the bar of the House, that the oaths of supremacy and abjuration were then tendered to him, and that he refused to take them, and that he was ordered to withdraw during a stormy discussion, at the end of which his admission was refused. But there is no record of the session of 1828 to justify such a statement. Parliament was prorogued on the 28th of July, twenty-three days after his election, and there is reason to believe he determined to defer applying for admission until the following year.

During the interval, the effect of O'Connell's election was exceedingly exciting throughout Ireland. There was a new sense of the power that was really possessed by the people, if they had the courage to use it; at the same time there was a corresponding dread of defeat and the baffling of their efforts and hopes by means of the enforcement of Catholic disabilities, to the exclusion of O'Connell and any other representatives they might elect.

These hopes and fears wrought continual irritation. From north to south, from east to west, the country was seething with excitement. Denunciations of Wellington and Peel were the burdens of most popular speeches and local conversations. In Tipperary the violence

of feeling is said to have been so extreme that it was hardly safe for any one to admit that he was a Protestant. Organization of the Catholic Association throughout the whole country, except Ulster, was complete ; and, in order to influence that province, Mr. Lawless was deputed to operate there. During his progresses the whole population of some districts followed him ; tens of thousands of persons, galloping on horseback up the hills, or running on foot, accompanied him ; he entered Ballybay, in Monaghan, with an escort of from twenty to thirty thousand people ; defiant cries and cheers resounded on all sides. The Protestant residents were naturally in great alarm, and it was asserted every day that a general conflagration was close at hand ; but the conflagration never arrived, for, so long as the people were allowed to make conspicuous demonstrations in their own way, they were content for the time, and had no object in resorting to physical violence, which seems to have been decidedly less than usual at that period.

The Protestant party in Ireland, being really alarmed at the progress events were making against them, strained every nerve to get up counter-demonstrations, at which they appeared armed, on the presumption that they would be attacked. The Orange lodges did their utmost to organize afresh, and new combinations, called Brunswick clubs, were formed to "uphold the Protestant ascendancy on the throne."

On the 12th of August, at a dinner given in Londonderry, Mr. George Dawson, one of the ministers, and the brother-in-law of Peel, unequivocally declared his opinion that the claims of the Catholics should, without the veto or other similar security, be unreservedly granted by the legislature. The Protestants affected to believe that his words had been misunderstood or misreported. Dr. Curtis, titular Roman Catholic primate of Ireland, wrote to the Duke of Wellington, with whom he was intimate, urging the Catholic claims afresh. The Duke replied with the utmost urbanity, and in terms calculated to encourage prosecution of the claims, but advising the Archbishop to discourage agitation, so that the claims might be for a time buried in

oblivion. This letter, though marked "Private," was somehow communicated to O'Connell, and through him to the Catholic leaders, who unanimously determined that, so far from burying the question of emancipation in oblivion, even for an instant, their agitation should be increased tenfold, as they pointed out that nothing had ever been gained by quiet submission and petitioning, and therefore they determined to proceed with all the energy they possessed, and all the resources they could command.

Encouraged by the effect of his former letter, Archbishop Curtis wrote to the Lord Lieutenant stating the substance of the Duke's reply, and requesting advice and opinions. The Lord Lieutenant (the Marquis of Anglesea) replied that, in common with Dr. Curtis, he considered the subject of the Catholic claims one of the greatest importance and the highest interest ; and that, in his opinion, on its speedy settlement the pacification and welfare of the country eminently depended ; that, as respected the burying of the question in oblivion, in its then present state, he conceived it to be an impossibility ; and he trusted, therefore, that the ensuing session of Parliament would not pass by without a full and due consideration of the Catholic claims. The substance of this letter being also communicated to O'Connell, and thence to the public, stimulated the previous excitement throughout the country ; and the demonstrations were so renewed and continued in Tipperary, that the Lord Lieutenant was induced to order application of the current Insurrection Act there, but before it could operate Tipperary had exhausted the momentary enthusiasm, so that the action of the Marquis in that respect was futile ; and for writing the letter he was soon after recalled, in January 1829, the Duke of Northumberland being his successor.

CHAPTER XXVII.

THE EMANCIPATION VICTORY.

THE events recorded in the preceding chapter having paved the way for the ministry, which way seemed to be inevitable, their intentions were more fully disclosed very early in 1829. Parliament met on February the 5th, when the King's speech contained the following ominous passages : "The state of Ireland has been the object of his Majesty's continued solicitude. His Majesty laments that in that part of the United Kingdom an association should still exist which is dangerous to the public peace, and inconsistent with the spirit of the constitution ; which keeps alive discord and ill-will amongst his Majesty's subjects ; and which must, if permitted to continue, effectually obstruct every effort permanently to improve the condition of Ireland. His Majesty confidently relies on the wisdom and on the support of his Parliament ; and his Majesty feels assured that you will commit to him such powers as may enable his Majesty to maintain his just authority."

"His Majesty recommends that, when this essential object shall have been accomplished, you should take into your deliberate consideration the whole condition of Ireland ; and that you should review the laws which impose civil disabilities on his Majesty's Roman Catholic subjects. You will consider whether the removal of those disabilities can be effected consistently with the full and permanent security of our establishments in Church and State, with the maintenance of the reformed religion established by law, and of the rights and privileges of the bishops and of the clergy of this realm, and of the churches committed to their charge. These are institutions which

must ever be held sacred to this Protestant kingdom, and which it is the duty and the determination of his Majesty to preserve inviolate. His Majesty most earnestly recommends to you to enter upon the consideration of a subject of such paramount importance, deeply interesting to the best feelings of his people, and involving the tranquillity and concord of the United Kingdom, with the temper and the moderation which will best ensure the successful issue of your deliberations."

This was sufficiently ambiguous to satisfy the most ardent lovers of circumlocution, but both parties accepted it for what it really meant ; that is, a certain dose of wilful and conscious tyranny, to satisfy the baffled pride of a defeated party, to be followed by as much ostensibly gracious concession as should seem a virtue, though wrung from ministers by sheer necessity.

Accordingly, on the 10th of February, Peel introduced another of the innumerable similar bills "for the suppression of dangerous associations or assemblies in Ireland." It candidly confessed its primary object by commencing—"Whereas an association hath for some time past existed in Ireland, calling itself, or which hath been usually called, 'the Catholic Association,' the acts and proceedings of which are dangerous to the public tranquillity," etc. It also candidly confesses that "divers statutes have from time to time been passed for the suppression of dangerous associations and assemblies in Ireland, but the same have been by various shifts and devices evaded ;" a confession that amounts to an admission of the utter folly and impotency of suppressive legislation for Ireland. Regardless of that, however, the bill was hurried on, and received the royal assent on the 5th of March. As if in derision, the association aimed at, declaring that its object was fulfilled, as evidenced by the King's speech, quietly dissolved itself before the Act could be brought into operation.

Meanwhile, the agitation in Ireland totally ceased immediately upon the publication of the speech, and was instantly succeeded by an agitation got up by the leading Protestants of England, which was of an intensely virulent character. There was hardly a parish in England

Wales, or Scotland that did not form its anti-Catholic association, and the tables of both Houses of Parliament were overladen with petitions. Peel was openly denounced as a traitor and renegade, and faith in the honesty of public men received a cruel shock. English universities, Scotch presbyteries, corporations of towns, and many other bodies joined in the petitioning, and the grounds of objection urged against the concessions included fears of the idolatry of the mass, the ruin of the Hanoverian succession, the inquisition, destruction of the eternal privileges of Protestants, the sacrifice of "our holy religion," the introduction of French principles ; the relinquishment of tithes, recognition of the Beast of the Apocalypse, and numerous other hysterical and complimentary expressions of feeling. Dr. Jebb, Protestant Bishop of Limerick, writing a remonstrative letter to Sir Robert Peel, said, "Infinitely more difficulties and dangers will attach to concession than to uncompromising resistance. . . . In defence of all that is dear to British Protestants, I am cheerfully prepared, if necessary, as many of my order have formerly done, to lay down life itself."

Leading Protestants managed to get at the King, and, in his perplexity, he asked ministers to resign, which they did, on the 4th of March ; but late that night he wrote to Wellington, saying he found so much difficulty in forming a new ministry that he begged ministers to withdraw their resignations, which they did. It is the usual course, regarding George IV. as a safe subject for vituperation, to ascribe this episode to the hatred of the King for concessions. But, looking back at his preference for Canning, and other circumstances, such an accusation seems out of place. It is far more likely that Peel used the King to magnify the importance of what he was doing. Judging from other characteristics of the King, there is reason to believe that he cared very little what was done, if it was not calculated to injure him personally.

If the principles of Protestantism had been really at stake—if the intention had been to give to Roman Catholics the domination they would, many of them, have hastened to apply with a vengeance—if

anybody in power had proposed to do or try to do anything on the subject of a revolutionary or retrograde character, then the excitement, and even resistance, to the extent of civil war, would have been more than justified ; but when we come to examine the legislation that was really adopted, the excitement becomes contemptible, and the so-called concessions appear to be only a certain amount of truckling to a mere fog of unwholesome sentiments.

On the very same day that the Suppression Act had received the royal assent, Peel moved, in the House of Commons, "That the House resolve itself into a committee of the whole House, to consider of the laws imposing civil disabilities on his Majesty's Roman Catholic subjects."

This proposal was accompanied by an extremely long speech, which was a laboured apology for the course Peel now sought to pursue ; a course which, less than two years before, he had solemnly declared in the same House he never would and never could assent to or sanction. The speech was delivered to perhaps the most crowded assemblage that had ever gathered there, and Sir Robert, in effect, told the assemblage that he, the government, the Union, the Parliament, the whole Protestant people of England, were ignominiously beaten and put to shame. He enumerated the long list of Coercion Acts that had been passed since the Union ; he pointed out that the whole course of that legislation had been an utter failure ; and he added, "Shall this state of things continue without some decisive effort at a remedy ? Can we remain as we are ? Have I not established the first step in my argument, that our present position is not tenable ?" He found it convenient not to point out that he had that very day completed another of those ineffectual pieces of legislation which he so declared were not tenable. He decisively proved that two years before he had exhibited himself as unworthy of being regarded as a statesman ; and now, in effect, he appealed to Parliament, not to do justice because it was right, but to palter with popular demands because the Union had failed, because the government was afraid, and because Parliament was helpless ; and the House, conscious of its helplessness, and

hastening to acknowledge it, threw overboard the reputation of Peel, and at the same time all its legislation for a quarter of a century or more, and passed the resolution by 348 to 160.

After that, the passing of the bill was a foregone conclusion.

On the 10th of March Mr. Peel introduced it. His contention was the same all through, and the House of Commons went on throwing itself overboard to the end, when the third reading passed on the 30th of March. The Marquis of Chandos made one last effort to resist, divided the House, and was beaten by 178 to 142.

The bill was read the first time in the Lords, on the motion of the Duke of Wellington, on the 31st of March, after a brief debate, without a division. The 2nd of April being named for the second reading, the interest excited by the expected debate collected a great crowd round the doors of the House at an early hour. Although there was a great number of constables, they could with difficulty keep order. The House was much crowded when the reporters were admitted, the space below the throne being completely filled, as well as that allotted to the public, several ladies being also present. After the presentation of numerous petitions on both sides, and speeches thereon, the Duke Wellington moved the second reading of the bill. After showing that the Catholic Association had succeeded in evading the law, and in setting itself above the law, and in carrying on its operations in defiance of the law, he referred to an observation that "if that will not do, let us come to blows." To which he replied : "What I suppose is meant by proceeding to blows, is coming to civil war. Now I believe that every government must be prepared to carry into execution the laws of the country by the force placed at its disposition, by the military force in case that should be necessary ; and, above all things, to oppose resistance to the law, in case the disaffected or the ill-disposed are inclined to resist the authority or sentence of the law ; but, as I have already stated to your lordships, there was no resistance of the law ; nay, more, I will go farther, and say I am positively certain that this state of things existing in Ireland for the last year and a half, bordering upon civil war—being attended by nearly all the evils of

civil war—might have continued a considerable time longer, to the great injury and disgrace of the country and those who managed the State.”

To these very illustrative admissions, the Duke added : “ They know as well as I do, they are not strong enough to wrestle with the King’s government, backed by the law ; they know perfectly well they would have been the first victims of that resistance ; but, knowing this, and knowing as I do that they are sensible, able men, and perfectly aware of the materials upon which they have to work, I have not the smallest doubt that the state of things which I have stated to your lordships would have continued for years, and that you would never have had an opportunity of putting it down in the manner some noble lords imagine. Even if I had been certain of possessing such means of putting it down, I should certainly have considered it my duty to avoid resorting to those means.”

While admitting, however, that the government had been baffled and defeated by the Catholic Association, the Duke did himself eternal honour when he added : “ I am one of those who have probably passed a longer period of my life engaged in war than most men, and principally, I may say, in civil war ; and I must say this—that if I could avoid, by any sacrifice whatever, even one month of civil war in the country to which I am attached, I would sacrifice my life in order to do it. Yet, my lords, this is the resource to which we must have looked—these are the means to which we must have applied, in order to have put an end to this state of things, if we had not made the option of bringing forward the measures for which I hold myself responsible.”

Nothing can be clearer than the lesson to be learned from this noble speech, that the attempt of the Union to govern Ireland had utterly failed, and had then forced the country to the utmost verge of civil war, from which the only escape was a candid confession of past blunders and an energetic attempt to introduce a new order of things. In reply, the leader of the opposition was the Archbishop of Canterbury (Dr. William Howley), and the fact that he so led the opposition

shows how self-interest can blind men to a sense of decency. As a person so deeply involved in the question before the House, it would have been becoming in him to remain silent while the case was considered by less interested men, plenty of whom were there to follow him. The Archbishop of York joined in the opposition next day, and the debate was again adjourned until the 4th, when a large number of peers having spoken at great length, the second reading was carried in the following manner : Content, present 147, proxies 70—217. Not content, present 79, proxies 33—112. Majority 105. On the 10th of April the third reading was expressly opposed by Lord Eldon, who had been conspicuous all through ; and, after a final and angry debate, the majority came out almost peer for peer as the second reading did, 213 to 109. On the 13th of April the royal assent was given, and so ended a controversy that had continued for at least twenty-five years.

CHAPTER XXVIII.

THE EMANCIPATION ACT, AND WHAT IT AMOUNTED TO.

NOTHING could sound much more modest than the title of "An Act for the Relief of His Majesty's Roman Catholic Subjects."

All oaths and declarations against transubstantiation, the invocation of saints, and the sacrifice of the mass, are abolished.

It is made expressly lawful for any person professing the Roman Catholic religion, if otherwise duly qualified, to sit and vote in either House of Parliament. It was quite reasonable to remove all doubts by such a provision ; but there does not appear to have ever been a law to restrain a Catholic from so sitting and voting. The Act makes no reference to any former Act to that effect, and it is pretty clear that the only obstacle was the being required to take oaths expressly designed to exclude Catholics, to which oaths Catholics would not submit.

It is provided that Catholics, upon entering Parliament, should not be required to take the oaths of allegiance, supremacy, and abjuration. Protestant members continued to be subject to those oaths, but a special form of oath was devised for Catholics.

The oath thus devised is especially instructive upon two points. It shows how much or how little progress in toleration had been made since the previous oath prescribed for Catholics in 1791. But when the two oaths come to be compared, and the slightness of the alterations considered, it shows what an insignificant concession the so-called Emancipation Act really was. In order that the littleness and the character of the concession may be appreciated, we quote the oath of 1829 as follows : " I, A B, do sincerely promise and swear, That I will

be faithful and bear true allegiance to his Majesty King George the Fourth, and will defend him to the utmost of my power against all conspiracies and attempts whatever, which shall be made against his person, crown, or dignity ; and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them : And I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown, which succession, by an Act intituled ‘An Act for the further limitation of the crown, and better securing the rights and liberties of the subject,’ is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants ; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm : And I do further declare, That it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated or deprived by the Pope, or any other authority of the see of Rome, may be deposed or murdered by their subjects, or by any person whatsoever : And I do declare that I do not believe that the Pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear, That I will defend to the utmost of my power the settlement of property within this realm, as established by the laws : And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church establishment as settled by law within this realm : And I do solemnly swear, That I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in the United Kingdom : And I do solemnly, in the presence of God, profess, testify, and declare, That I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever. So help me God.”

Provision is made for using the name of any future reigning sovereign instead of the name of George the Fourth.

Catholics are expressly barred from sitting or voting in either House until they have taken the foregoing oath, subject to the penalties prescribed and set forth in our previous chapter on the oaths of exclusion.

On offering to vote or become a candidate at any parliamentary election, Catholics are expressly subject to be challenged to take the foregoing oath.

Catholic priests are expressly barred under penalties from being candidates for or members of the House of Commons, and celebration of Catholic rites is to be evidence that the celebrant is a priest. A member becoming a priest must vacate his seat, subject to the penalties. There is no such bar as to the House of Lords.

The naval, military, and civil services are open to Catholics, excepting Guardians and Justices of the United Kingdom, Lord Chancellor, Lord Keeper of the Great Seal, Lord Lieutenant or Deputy Lieutenant of Ireland, and High Commissioner of the Church of Scotland.

Lay corporations are expressly opened to Catholics, but they must not vote in any case of ecclesiastical appointment.

Catholics are expressly excluded from offices in the Established Church, ecclesiastical courts, universities, or colleges or schools thereof; and are disqualified as patrons of Church livings. Wherever a living falls into the control of an office filled by a Catholic, the gift is, for the time being, to be with the Archbishop of Canterbury. Catholic ministers are barred from taking part in conferring ecclesiastical appointments.

Catholic bishops are expressly forbidden to adopt the title belonging to any bishop or dean of the Established Church, under a penalty of £100.

Judicial officers are forbidden to attend as such at any place of worship except of the Established Church.

Catholic priests must not perform any Catholic rite or ceremony, or wear the habits of their order, save within their usual places of

worship, or in private houses, under a penalty of £50 for every offence.

Jesuits and persons under monastic vows are required to register themselves with the clerk of the peace of their respective counties within six months after passing of the Act, under a penalty of £50.

Natural born subjects who come under the previous head, being abroad, may return to this country subject to registration as aforesaid ; otherwise, all Jesuits and persons under monastic vows, arriving in the country after the passing of the Act, are made liable to banishment for life ; but any Secretary of State is at liberty to authorize the visits and residence of such persons.

The formal admission of a Jesuit or member to any monastic order involves punishment as for a criminal misdemeanour, and every person so admitted is liable to banishment for life.

Any person sentenced to banishment, as before provided, who remains in the United Kingdom thirty days afterwards, may be conveyed by order of the privy council to any place abroad ; and any person found in this country three months after sentence of banishment is liable to transportation for life.

Nuns, and all female members of religious orders, are expressly exempted from interference, so that nunneries are legal under the Act, though monasteries are illegal under the provisions just previously described.

The penalty prescribed by the Act for refusing or omitting to take the oath is £200, which would seem to absolve Catholics from the penalty of £500 to which other members of Parliament are liable for the like omission ; but the Act upon that point is silent.

CHAPTER XXIX.

EXTINGUISHMENT OF THE "FORTY-SHILLING" VOTERS.

THE election of O'Connell for Clare was confessedly the principal means of forcing the hands of ministers ; and, it having been of such an obviously popular character, an impression was made in official circles to the effect that his success was due to the multitude of the lowest class of persons then entrusted with votes ; and it was believed or hoped that by extinguishing their right to vote, they would be properly punished, that the Protestant opponents of O'Connell would be appropriately avenged, and that the door would be finally closed against the election of O'Connell or any one who could supply his place in popular estimation.

Acting, therefore, upon the usual course with regard to Ireland, the government determined, while appearing to make concessions, to indulge in a corresponding amount of retaliation. It would be an excellent manœuvre, they thought, if the ostensible intention to admit Catholics to Parliament were accompanied by enactments that might possibly prevent any more Catholics from being elected. At any rate, they made up their minds to try. So, simultaneously with the so-called Emancipation Act, they managed to pass a companion that was decently disguised under the title of "An Act to amend certain Acts of the Parliament of Ireland relative to the election of members to serve in Parliament, and to regulate the qualification of persons entitled to vote at the election of knights of the shire in Ireland."

This Act had exclusive reference to "forty-shilling freeholders," who were first created for Ireland by an Act passed in 33 Henry VIII. c. 1, so long ago as 1542, which provided that "every electour of the said

knights to dispend and have lands and tenements of estate of freehold within the said counties, at the least to the yearly value of fortie shillings over and above all charges."

In 1795 (35 Geo. III. c. 29), forty-shilling freeholders, as before provided, were confirmed in their right to vote, but the Act introduced a number of complicated provisions, under which, or as suggested by which, it occurred to the dominating landowners to create voters. This was done by granting leases for lives, which were permitted to be registered as of the same tenure as freeholds ; and by this means each landlord, being desirous of multiplying voters in his interest at the least possible sacrifice to himself, these leases for lives were purposely granted in reference to the smallest area of land that would, with the building thereon, barely qualify the life holder to vote under the forty-shilling franchise. The whole thing seems to have been a fraud from beginning to end, but as it answered the purpose of the powers that were, the voters being under the severe eye and potent influence of the dominant classes, the system had been suffered to go on, to the encouragement and fostering of extremely small holdings to the curse of the whole community.

The election of O'Connell for Clare changed the views of the county magnates. Their wretched machinery for securing electoral corruption then broke down so signally that its destruction became necessary from the point of view of those who had so carefully initiated and preserved it ; and the Act of 1829, assented to on the same day as the Emancipation Act, abolished forty-shilling freehold qualifications in Ireland, though leaving them untouched in England, so that the mean and corrupt motive of the Act was very obvious.

It provided that "from and after the day next after the passing of this Act, no person should be admitted to vote at any election of any knight of the shire to serve in the Parliament of the United Kingdom for any county in Ireland unless such person shall have an estate of freehold in lands, tenements, or hereditaments in such county, of the clear yearly value of ten pounds at the least over and above all charges, except only public or parliamentary taxes, county, church, or parish

cesses or rates, and cesses on any townland or division of any parish or barony."

With the obvious intention of making the enfranchisement of small holders still more difficult, it provided that freeholders to the value of ten pounds, but under twenty pounds, must register their holdings subject to extremely elaborate detailed requirements calculated to exclude many who really possessed the property qualification prescribed.

This Act demands particular notice as illustrating two points of importance amongst matters of unsavoury fact. It shows that the English Parliament was all through (even when pretending to do sublime justice) willing to connive at and be party to political chicanery and corruption with regard to Ireland. The events that immediately afterwards occurred in Parliament bring this into all the stronger light, as shown in the next chapter. The second point is that this paltry Act, like every Act designed and intended to cripple the political life of Ireland, was an ignominious failure. It accomplished nothing it was intended to accomplish, and it especially failed in its first application, as also described in the next chapter.

CHAPTER XXX.

O'CONNELL AT THE BAR OF THE HOUSE—HIS EXCLUSION
—HIS APPEAL TO HIS CONSTITUENTS.

WHEN Parliament met in February 1829, and O'Connell had been elected for Clare more than six months, his first impulse was to demand his admission to the House, so as to try and make prominent the points at issue. For that purpose he journeyed to London ; but when he learned, from the King's speech, the course events were likely to take, he determined to refrain from any immediate action, for fear it should complicate matters and embarrass the government. The Relief Act having become law on the 13th of April, O'Connell waited until the 15th of May, when, his intention having become publicly known, there was a strong sensation in the House. The gallery and the avenues were filled with individuals anxious to learn the result. Long before the Speaker took the chair, the body of the House was crowded with members. The Speaker entered the House a little before four o'clock, and, prayers having been read, he said, "If there are any new members to be sworn, let them be pleased to come to the table." Mr. O'Connell immediately came forward, conducted by Lords Ebrington and Duncannon. He produced a certificate of his having been sworn before two of the deputies of the Lord Steward, whereupon the clerk tendered to him the oaths of allegiance and abjuration, upon which Mr. O'Connell stated that he was ready to take the oaths of allegiance and abjuration, but not the oath of supremacy, and claimed the privilege of being allowed to take the oath prescribed by the new Act. The Speaker objected that as the new Act only referred to persons elected after the passing of the Act, and as he

had been elected before, he must either take all the old oaths or suffer exclusion. Neither the Speaker nor any one else objected to his admission because he was a Catholic—inferentially that was admitted to be no bar. Had he taken all three of the oaths, it was granted that he would have been admitted. He offered to take two of them, and only objected to a small portion of the third, which shows, despite all the fuss about it, what a very small affair the Emancipation Act really was.

Of course the Speaker was sustained, and O'Connell was requested to withdraw, which he did. Thereupon a debate arose. Peel, who had drawn the Act, and clearly intended to exclude O'Connell by it, took a leading part in opposing his admission. He had also drawn the Act for the disfranchisement of the forty-shilling voters, and he looked forward to the probability that O'Connell would therefore fail to secure re-election. To have admitted O'Connell would have been to sacrifice the advantages expected from the legislative details that had been so studiously wrought. Some members, whose simplicity was too much for the occasion, when the debate was resumed on the 18th, proposed to hear O'Connell at the bar of the House. This was agreed to without a division, and he spoke at great length, at the end of which he bowed to the House and withdrew amidst loud and general cheering. It was then, in a long speech, moved by the Solicitor-General, "That it is the opinion of this House, that Mr. O'Connell having been returned a member of this House before the commencement of the Act passed in this session of Parliament for the relief of his Majesty's Roman Catholic subjects, is not entitled to sit or vote in this House unless he first take the oath of supremacy." Amongst those who spoke and voted against this motion was Mr. (afterwards Lord) Brougham; but he and others were overborne by Peel and the ministerial party, and the motion was carried by 190 to 116.

On the 19th O'Connell was sent for, and on appearing at the bar he was informed of the decision of the House, and immediately withdrew, when the debate was adjourned until the 21st; and then the Solicitor-General moved that Daniel O'Connell, having been returned

as member for Clare county, and having refused to qualify himself by taking the oath of supremacy, that the Speaker should issue his writ for the election of a member in his stead. This was warmly opposed, but was eventually agreed to without a division.

Immediately afterwards, O'Connell issued his address to the electors of Clare, in which he said : " The House of Commons have deprived me of the right conferred on me by the people of Clare. They have, in my opinion, unjustly and illegally deprived me of that right ; but from their decision there is no appeal, save to the people. I appeal to you. In my person the county of Clare has been insulted. To you is due the glory of converting Peel and conquering Wellington." He protested against the clauses of the Relief Bill for the suppression of monastic orders, and declared they would not be obeyed.

Though the Catholic Association had been nominally put down by the Act for the purpose, an aggregate meeting of its late members voted O'Connell £5000 out of its funds for the expenses of his new contest ; so legislation had failed again—and again ! For though the forty-shilling voters were extinguished, though O'Connell repeatedly and notoriously challenged opposition, there was no one who ventured to dispute his return, which took place, without a contest, on the 30th of July, 1829.

Notwithstanding the refusal to admit O'Connell to his seat in 1829, his name appears upon the roll of the House for that year, though, as Parliament had been prorogued on the 24th of June (more than a month before his re-election), it was impossible for him to take his seat until the following session, when the proceedings, and his taking of the new oath, excited no unusual observation. It is merely recorded that on the first day of the session, February 4, 1830, " Mr. O'Connell took the oath (at the left side of the table), and then shook hands with the Speaker. He afterwards seated himself in Mr. Hume's place, and shook hands and entered into conversation with Sir Francis Burdett. Very few members were present at the time. The other members took the oaths and their seats, but they were sworn at the right side of the table, the usual place."

Such was the first appearance of a Roman Catholic member in a seat in the Protestant House of Commons ; and so ended a period of heartburning and contention very seriously reflecting upon the un-wisdom and incapacity of the Parliament of the United Kingdom, not only in its resistance but in its concession.

CHAPTER XXXI.

DEATH OF GEORGE THE FOURTH—O'CONNELL ELECTED
FOR THE THIRD TIME—RENEWED DISTURBANCES—
ARREST OF O'CONNELL—FATAL CONFLICTS—THE
ROOT OF THE EVIL.

DURING the year in which O'Connell first took his seat in Parliament, perhaps the most notable event was the death of George the Fourth, on the 26th of June, 1830, which necessitated the dissolution of Parliament. William the Fourth prorogued in person on the 23rd of July, and dissolved the Parliament the next day. At the ensuing general election O'Connell relinquished his seat for Clare in favour of his former opponent, MacNamara, who had for his colleague the agitator's right-hand man, O'Gorman Mahon. O'Connell was returned for Waterford county.

The election proved unfavourable to ministers, who, while deeply offending their friends during the last Parliament, had failed to conciliate their opponents. Probably they imagined they had washed their hands for the present of Irish troubles, but they were speedily corrected in that false impression. Summer, as was not unusual, had passed calmly ; but as autumn advanced all the old disorders broke out afresh. In defiance of everything that had been done, there seemed to be no improvement. Ministers had all along been mistaking the shadow for the substance. Again it was shown that the removal of dishonour from altars was not the banishment of discontent from homes. It would appear that when O'Connell himself declared religious emancipation to be only a comparatively small means to a

greater end, either ministers did not believe him or had forgotten it. He had not forgotten it. The people had not forgotten it. He had roused them by means of religious enthusiasm, and now he led them through the influence that had been given him into far more material considerations. The same never-ceasing echo came again—Union legislation had failed once more. It is not recorded that ministers were ashamed, but it is certain they were confounded.

Amongst the new ground for discontent was the reflection of thousands of people that though they were what was called emancipated, they were disfranchised, and when their increased political helplessness came to their minds they were enraged on reflecting that just as power seemed to dawn upon them in the election of O'Connell for Clare, it was snatched from their hands. Thus they were silenced ; but they determined not to be crushed. Ministers had sown the wind only to reap the whirlwind.

Tipperary was the first to break out. Bodies of men with arms in their hands, often in numerous companies, paraded the country, exciting the utmost alarm, and almost daily committing violence both upon persons and property. Proclamations were repeatedly issued, out of which new disorders seemed to spring, until martial law prevailed throughout the southern counties.

The Marquis of Anglesea had been restored to the office of Lord Lieutenant in the hope that the people, who had formerly idolized him, would be favourably influenced by his presence. But a King's representative who openly advocated emancipation, was quite a different thing to the same representative who issued martial proclamations. Even in Dublin, usually so tractable, sedition was rampant.

Parliament having opened on October the 26th, ministers were too much engaged with their party opponents in the House to give much special attention to Ireland ; so O'Connell improved the occasion by reorganizing the Catholic Association under the name of "The Friends of Ireland of all Religious Persuasions." This being put down, he started the "Anti-Union Association." That was put down also, and O'Connell and some others were arrested on January the 18th, 1831

(during a brief Parliamentary recess), on a charge of sedition. He was released on his own recognizances for a thousand pounds and two sureties for five hundred each. The trial commenced on the 17th of February, and speedily resulted in a verdict of guilty. Judgment was deferred, and O'Connell was released. He went straight to a public meeting, and there declared that the government would never presume to pronounce a judgment upon him, and he proved to be right.

Peel had by this time succeeded to the baronetcy on the death of his father; and, after a speech in the House of unusual violence by O'Gorman Mahon, Peel declared that the government would enter upon civil war, if necessary, to preserve the entirety of the State. How much such a declaration was worth may be best judged of by reading what Peel said against emancipation on the eve of granting it. Not unnaturally, much doubt of the sincerity of the speaker prevailed, as, judging from previous experience, the more he said against anything, the more likely he was to assent to it. There was all the more suspicion because O'Connell, and the considerable body of Catholic members who had been returned from Ireland by the general election, usually voted with ministers, and the whole political world was in a ferment.

At the same time, terror reigned in Clare, Roscommon, Galway, and Tipperary, and the Insurrection Act then in force was applied vigorously during May. The soldiery were largely increased in those counties to aid the civil power. A striking episode ensued of a character resembling the Boycotting of 1880. On the 18th of June, some cattle which had been impounded were to be sold for the non-payment of tithes, at St. Mary, Newtown. A notice was plentifully posted on the walls of the town, which said, "Inhabitants of the parish of St. Mary, Newtown, Barry. There will be an end to church plunder. Your pot, blanket, and pig will not hereafter be sold by auction to support in luxury, idleness, and ease persons who endeavour to make it appear that it is essential to the peace and prosperity of the country, and your eternal salvation, while the most of you are starving. Attend

at an auction of your neighbour's cattle on Saturday next, the 18th inst., seized for tithe by the Rev. Alexander M'Clintock." It was market day, and a large concourse of people assembled from the surrounding country, determined to prevent the proceedings. The sale was stopped; the military were called out; a serious conflict ensued, and twelve or thirteen of the people were killed, and a great many more wounded. A coroner's jury, after sitting nine days, could not agree upon a verdict. The Crown prosecuted the captain and sergeant who were in command, but a verdict of acquittal was returned. Nine or ten persons were killed in a similar skirmish at Castle Pollard, in Westmeath, followed by disagreement at inquest, prosecution, and acquittal again.

In another case, events went in the contrary direction on the 25th of November. A tithe proctor was sent to serve a process of distraint, escorted by a body of police. The country people assembled in great numbers, and lined the ditches and hedges along the road which the party had to traverse. In defiance of Insurrection Acts, Arms Acts, Preservation of the Peace Acts, and all the rest of the Acts, the people were extensively armed, again showing the futility of legislation of that kind. When the tithe proctor and his party reached a narrow lane, the people demanded that the proctor should be given up. The police, with an intrepidity that did them great credit, refused. A furious attack was immediately made upon them, five policemen being killed on the spot, and almost all of them seriously wounded, the chief officer having his brains dashed out with a bludgeon, wielded (it was said) by a lad under fifteen years of age. So the civil war, for whatever cause, had actually begun. So far as any remedy was concerned, the government was paralyzed, and, as was acknowledged, the people were supreme. Agitation went on with comparatively unchecked vigour—daring and overriding the law in all directions. The Marquis of Anglesea, in endeavouring to enforce the law, is said to have been feeble, and it is suggested that more energy on his part would have succeeded; but, on turning to the speech of the Duke of Wellington, quoted in a previous chapter, it will be seen that events were occurring

once more, with which no government could or ever can cope, as he candidly acknowledged, and to which events he was now compelled again to submit, his remedial measures having proved an inadequate set-off for the repression he so fatally indulged in at the same time.

The immediate root of most of the evil at that time was the aforesaid extinguishment of the forty-shilling freeholders. Their disfranchisement was of itself enough to exasperate them to violence ; but the case was far worse than that. They had always been regarded as inconvenient and unsavoury neighbours, as well as being unprofitable tenants, they being, most of them, as before pointed out, not really freeholders, but enfranchised under leases for lives that were suffered to pass for the purpose as freeholds. Notwithstanding all these objectionable features of their unhappy existence, they had been put up with, tolerated, and multiplied, so long as it was supposed that they contributed to the political power of the landlords under whom they held. The landlords thus stand convicted of deliberately encouraging extremely small holdings so long as they supposed it answered their political purposes ; but as soon as O'Connell was elected for Clare, new views concerning this phase of political economy began to dawn, and when the wretched forty-shillingers were formally disfranchised those new views shone out most righteously ! The clouds of enfranchisement that had obscured the truth having been withdrawn, the landlords clearly saw, for the first time, that they were conscientiously convinced such a state of things was not good for the tenants. Therefore there arose the highly respectable cant about small holdings which has passed current for economical gospel ever since ; and the landlords, hastening to carry their newly-acquired convictions into practice, proceeded to rout out these leases for lives by means of every instrument of law and tortured equity they could lay their hands on.

Under the stimulus of this new order of things, evictions were multiplied beyond all precedent, until the people were goaded into every form of covert retaliation, and even the judgment-seat remon-

strated with the landlords upon their reckless proceedings. Such remonstrances have ever been in vain ; and the like system of eviction, unchecked by the political interests that curbed it prior to 1830, has gone on ever since, until it has become an open land war, based upon such irreconcilable elements of discord that any lasting treaty of peace may well be despaired of.

CHAPTER XXXII.

THE IRISH REFORM BILL.

THE Catholic members for Ireland went heart and soul into the movement for Parliamentary reform, which created such a sensation in England during 1831-2. To their solid vote was in a great measure owing the decisive majorities that helped to enfranchise Birmingham and the other great towns of England. Of that fact the people of England seem to have been densely ignorant at the time, and have remained so ever since.

When the turn of Ireland came, majorities of the House of Commons aided the government in returning to Ireland evil for good—that is, if extending the franchise be a good; for, whereas the Act eventually passed for England in 1832 was one of enfranchisement and progress, the corresponding Act for Ireland was one of disfranchisement and retrogression.

In the midst of the political turmoil then prevailing throughout England, and especially in Parliament, the bill for Ireland was smuggled into the House of Commons on the 19th of January, 1832, when it received but scant attention from the majority of English members, who were too feverishly anxious about their own seats to give much attention to anything else. From the first it was declared by Irish members to be inadequate and delusive. By comparative population Ireland was then entitled to 161 members, and the limitation of the number to 105 was clearly an injustice—the more so that, even with 161 members, the Irish members would be in a decided minority as against the remainder of the House.

Strenuous efforts were also made to restore the franchise to forty-shilling freeholders, but in vain. That franchise was retained by the

new Acts for England and Scotland, and the invidious distinction was therefore all the more marked, and the extension of the franchise to certain Irish leaseholders, so far from increasing popular representation, was rather calculated to increase the anti-popular element; and the same might be said of the £50 occupation franchise. So the freehold qualification for counties was retained at £10 annual value, in accordance with the Act for disfranchising the forty-shilling voters.

The franchises were fixed for counties at £10 freeholds; £10 leases of 60 years; £10 leases of 20 years; and £20 leases of 14 years; with the proviso that the voter in respect of every lease must be also the occupier. The franchise for boroughs was fixed at £10 freeholders; £10 occupiers; £20 leaseholders; and such forty-shilling freeholders as were then on the register, but no new ones to be added, so that that franchise was eventually abolished for boroughs also.

The only change in the constituencies was the giving of one additional member each to Dublin University, Limerick, Waterford, Belfast, and Galway. To this was added a Boundaries Act, for the adjustment of the boundaries of many other constituencies, but retaining them all.

To show how Ireland was shelved throughout this business, it almost suffices to point out that the second reading was not moved for till May the 25th—more than four months after the first reading. The leading speaker in opposition to the second reading was Mr. Lefroy, and his speech contains a valuable item of evidence that O'Connell continuously held and avowed an intention to make everything the stepping-stone to the repeal of the Union. O'Connell was at this time representing Kerry (his native county), and Mr. Lefroy begged to refer the House to a letter from the hon. member for Kerry to the Irish people at the last election, who in writing to them told them, "I never did—I never will—I never can, abandon my anxious desire for a repeal of the Union. I deem that repeal essentially necessary to Irish prosperity. I pledge myself to use every suitable occasion to promote that repeal, and never to omit any valuable opportunity to advance the interests of the cause of the legislative and constitutional independence of Ireland."

O'Connell, in his subsequent speech, made no reply to Mr. Lefroy, as he had better work to do. Amongst other things, he said, "Do you forget that in 1831 it was the Irish members that carried the second reading of the English Reform Bill? There was a majority of English members against it—there was a majority of Scotch members against it—there was a majority of Irish members in favour of it. Night after night we have left our business, our occupations, and the study of our health, and have been at our stations in this House giving our most unqualified support to the English Reform Bill, not taking advantage of circumstances to dictate terms for ourselves, but generously and perseveringly giving our untiring and effectual support to every addition to the liberty of England. . We have done all this, and after having so acted, will you, English reformers, send us back to our countrymen to tell them that after all the services we have rendered you, yet an English House of Commons has refused to grant to Ireland the paltry boon of a miserable, jejune, and narrow, niggardly Reform Bill?"

In another part of O'Connell's speech, replying to the argument that reforming the representation of Ireland would only contribute to more agitation, he put upon record the following most notable words: "The learned members for the University and the city of Dublin, and the party by whom they are backed, will give Ireland no reform, because they say it will throw all the power of the country into the democratical party—it will increase the influence of those who are disturbing the country, and will strengthen the hands of him whom the gallant member for Donegal has been pleased to call the honourable agitator. I will just thank those gentlemen to look a little at the other side of the question. The best mode of putting an end to discontent is to do justice to the people. If I know anything upon any subject, it is agitation. Indeed I believe I may be considered a pretty good authority upon the subject of agitation. I, therefore, am admitted to know something of agitation, and I have always found that there never was any real agitation unless where a real grievance existed. I do not speak of the puff and wind of agitation, such as has been raised.

upon the subject of Irish education, and which will produce no more effect than the wind whistling round the walls of an old house. I speak of real agitation ; and I say that I never knew real agitation to exist unless when there co-existed, as its cause and essence, a substantial grievance. Let them give me time and place, and I defy them to point out a single instance where a substantial agitation ever existed without a real grievance."

Abundant time and many places have since testified to the truth and wisdom of those words of O'Connell, which should be profitable reading for some who, while apparently disregarding them, claim to be entitled to be considered great statesmen. Such statesmen—such as they are—would do well to refrain from peevish tirades against agitators, the magnitude of whose acknowledged success is but the greater proof of the multitude and terrible severity of the grievances out of which their success could alone have sprung. It would be more becoming of such statesmen if, instead of manifesting their paltry spite and wounded vanity because the agitators have proved to be in advance of them, they would accept the success of the agitation as only an additional evidence of the necessity for redressing the grievances, for a full appreciation of which the statesman is, in reality, deeply indebted to the agitator who has proved his just claim to his position by being so successful.

Compared to the grievance referred to, everything connected with what is called Parliamentary reform, like national education, as O'Connell said, is but as the puff of wind whistling harmlessly round the house ; so the second reading of the Irish Reform Bill of 1832 was carried, without any very prolonged opposition either in the House or without, by 246 to 130. All O'Connell's efforts in committee failed to restore the forty-shilling freeholders ; and so the third reading was carried, after only minor amendments, on the 18th of July, without a division. It passed the Lords soon afterwards, nothing of much importance transpiring there, and it received the royal assent on the 7th of August, thus completing the great reforming effort of 1832.

CHAPTER XXXIII.

THE TITHE WAR—DEATH OF WILLIAM THE FOURTH.

AMONGST the subjects that were brought into greater prominence by the concession of Catholic claims was the remaining grievance of tithes, exacted for the most part from Catholics for the sole support of the alien Protestant Church, which was thus maintained in many districts where there were no Protestants, and where the Church livings were complete sinecures.

Resistance to tithes was so successful that an Act was passed authorizing an issue from the consolidated fund of large sums of money for the relief of those clergymen who could not collect their tithes.

In 1833 an effort was made to qualify the flagrant inconsistencies of a clergy with public emoluments, but without congregations or public duty to perform. This "Church Temporalities Act" endeavoured to mend matters by abolishing ten bishoprics and consolidating their sees with those adjoining them. At that time it was estimated that the revenue of the Irish Church was £730,000 per annum. The suppressed sees were supposed to yield a capital sum of three millions sterling, which sum was vested in an entirely new board of Ecclesiastical Commissions, for the strengthening by artificial means of a Church that was not only useless but mischievous. Concerning these Commissioners, their labours were likely to be so light and indefinite that the duties of their secretary are defined, insomuch that it is gravely enacted that he is "to keep a book."

A great show of liberality was made by the abolition of church-rates and "first-fruits." As usual, this was turned to the advantage of the

landlords, who forthwith made the change an excuse for raising rents to a greater extent than the remissions amounted to.

The Act upon the whole was an extremely elaborate consolidation of Church property for the sole benefit of the clergy, without the slightest regard for the interests or wishes of congregations, where there were any, and regardless also of the bulk of the people upon whom the great burden of tithes continued untouched.

A great parade of this Act having been made, and the popular benefits arising from it proving to be imaginary, especially with reference to tithes, discontent, after a little while, manifested itself by increasing violence, and the civil war went on.

A strikingly illustrative case, amongst hundreds of others, occurred at Rathcormach, a village in Waterford county, on the 18th December, 1834. Seizure had been made upon the stock-yard of a widow to pay the Protestant rector. Her neighbours became strongly excited, and assembled in crowds with the apparent purpose of resisting the abstraction of the property. A narrow lane, or boreen, led up from the highroad to the widow's premises. In this lane the people had overturned a waggon, to block up the way, and seemed resolved to defend their barricade. The officers of the law approached, well supported by armed men, both police and military. There was some parley; stones were thrown; the Riot Act was read; and then orders were given to fire. A destructive volley was poured in upon the unarmed crowd; many of them fell, killed and wounded; and the rector carried off, over the bleeding corpses, his tithe of the widow's sheaves.

The excitement and indignation aroused by this Rathcormach massacre were profound and widespread; the combinations amongst the peasantry to resist tithe-sales, and to prevent all persons from purchasing, became more organized and formidable.

Referring to this and other similar events, Doctor MacHale, Archbishop of Tuam, writing a public letter to the Duke of Wellington, expressed the conviction and determination that "All the united authorities, and the Senate, can never annex the conscientious obla-

tions of law to enactments that are contrary to right, reason, and justice. And hence the stubborn and unconquerable resistance of the people of Ireland to those odious acts—I will not call them laws—which have forced them to pay tribute to the teachers of an adverse creed. I shall freely declare my own resolve. I have leased a small farm, just sufficient to qualify me for the exercise of the franchise. After paying the landlord his rent, neither to parson, proctor, nor agent shall I consent to pay, in the shape of tithe, or any other tax, a penny which shall go to the support of the greatest nuisance in this or any other country.”

No one ever dared attempt to levy tithe upon that archbishop's farm; and the open declaration that the church laws were no laws, and that he himself would deny and defy them, greatly aggravated and encouraged the organized resistance of the people.

In 1835, Lord Morpeth introduced a bill into the Commons for the further regulation of the Irish Protestant Church, in which he proposed to limit the collection of the arrears of tithes for the last two years over-due, meeting the claim by draughts on the exchequer, and remaining satisfied with a composition of about three-fifths of the remainder. The bill also proposed the suppression of all Protestant benefices containing not more than fifty Protestant inhabitants. Sir Robert Peel tried to mutilate the bill, but was signally defeated. The bill passed the Commons by a considerable majority, thus acknowledging the grievances and the success of the people in resisting them. But the House of Lords, while retaining the provisions as to tithes, cut out the suppression of benefices, and, the House of Commons not agreeing to that, the bill was dropped.

In 1836 the Irish tithe question cropped up again. It was reported to Parliament that at the close of the financial year, in April, there was a deficit of £637,000 in the amounts that ought to have been collected. For the making up of this only a sum of £5,000 was voted, thus showing the helplessness of the government to cope with the resistance. On the 25th of April, Lord Morpeth moved a resolution “That it is expedient to commute the composition of tithes in Ireland,

in a rent-charge payable by the owners of estates, and thus make a further provision for the better regulation of ecclesiastical dues and revenues." After considerable debate this resolution was defeated, as being too vague, and so the matter was put off.

Exasperated at this failure, O'Connell hastily organized a National Association, the members of which met in vast numbers at the Dublin Corn Exchange. This agitation resulted in a state of insurrectionary turmoil throughout the country. This continued in 1837, at the commencement of which there was not a county of Ireland where there were not virulent contentions between the people and the tithe-owners.

Preparations were commenced by the government for introducing bills for Irish municipal reform, and for the first time applying the English Poor Law system to Ireland ; but those measures were prevented for the present by the rather sudden death of William the Fourth, on the 20th of June, 1837.

During the period of what is known as the tithe war—from 1830 to 1837—other subjects of public interest were comparatively insignificant. Emancipation had been laid. Reform had been got through. There were furtive attempts at repeal, and a variety of nostrums. But all other grievances except tithes seemed to be passing through a period of feeble puffs, as O'Connell called them. All the greater was the tornado centred upon tithes. The period abounds with Coercion Acts in every form, and with the corresponding proportion of outrages, both Acts and outrages being pretty much of the same pattern as so many sufficiently described before and repeated since. It is a legitimate subject for regret that the agitator, in that his already declining day, did not sufficiently appreciate the force of the tornado to turn it to good agitating account sufficient to enforce real redress. As it was, the tornado was only tampered with so as to split it up into incipient tornadoes that have burst out from time to time ever since, invariably blowing from the same quarter.

CHAPTER XXXIV.

ACCESSION OF QUEEN VICTORIA—POOR LAW ACT AND
CONVERSION OF TITHES.

THE first appearance of Queen Victoria in Parliament was when she prorogued in person on the 17th of July, 1837. In her speech on that occasion, a message of goodwill to Ireland with reference to tithes was supposed to be clothed in the passage which said, "It will be my care to strengthen our institutions, civil and ecclesiastical, by discreet improvement wherever improvement is required, and to do all in my power to compose and allay animosity and discord." A dissolution immediately succeeded, and the new Parliament met for the despatch of business on the 15th of November. On the 20th, the Queen delivered her speech in person, and it included the following passages with reference to Ireland: "The results of the inquiries which have been made into the condition of the poor in Ireland have been already laid before Parliament, and it will be your duty to consult whether it may not be safe and wise to establish by law some well-regulated means of relief for the destitute in that country. The municipal government of the cities and towns of Ireland calls for better regulation. The laws which govern the collection of the tithe composition in Ireland require revision and amendment."

Parliament could not agree that session upon a Municipal Act for Ireland, but the Poor Law and Tithes were freely dealt with.

The Act of that year "for the more effectual relief of the destitute poor in Ireland" introduced the English Poor Law into Ireland for the first time. Though it passed, it met with considerable opposition from

Irish members, and was and is regarded in Ireland as only another set of outworks of the English garrison.

It is recorded that the inquiries referred to in the Queen's speech simply amounted to the fact that a person named Nicholl (a Scotchman) was sent to make a tour in Ireland, and to report on the distresses of the poor. After a journey of a few weeks, in a country quite unknown to him, he made a report that, during half the year, there were 585,000 persons, with 2,300,000 more depending on them, in a state of utter destitution. O'Connell, many Catholic bishops, and many Protestant Irishmen, did their utmost to prevent the passing of the bill; but after a vain struggle against overwhelming majorities, it received the royal assent on the 31st of July, 1838. Under it, Ireland was divided into 127 unions, and, within two years, fourteen immense poor-houses were built.

From the Irish point of view it is a dreadful law—a British pestilence—under which Ireland has been blistering and festering ever since. The poor man had been a brother whom it was said to be a privilege and a duty to console, but who, by the Poor Law, became one of the “dangerous classes,” to be well watched, to be often punished, and to be for ever degraded and disgraced. From another point of view, the Irish Poor Law has been and is regarded as simply a machine for increasing Government patronage, through the medium of the Local Government Board. When it is considered by what insidious legislation this kind of thing is sapping the foundations of local government in England, it seems only too probable that the case is quite as bad or worse in Ireland, where circumstances are not so able to contend with such an additional complication of society. It is asserted that the distress reported, in common with most of the distress in Ireland, is owing to the fact that the Irish are poor merely because the English eat them out of house and home. Whatever merits or demerits the Poor Law of Ireland is chargeable with, there can be no doubt that, precisely the same as in England, the amount of actual relief and remedy afforded falls far short of the proportion of expense involved, which, falling upon a large class of people little better off than paupers

themselves, may be quoted as one of the things which the Union Parliament, however well-intentioned, is not entitled to boast of; but whether it makes much difference to the state of Ireland at large is very doubtful, the reasons for distress and anarchy there being far deeper than the foundations of an official Poor Law, far below which is the subject of tithes, dealt with in the same session of Parliament.

These tithes were so dealt with by the "Act to abolish compositions for tithes in Ireland, and to substitute rent-charges in lieu thereof." This Act is too often regarded as the abolition of tithes in Ireland. On the contrary, it more firmly saddled upon the land—upon the landlord as well as upon the tenant—this most odious of imposts. The composition which was expressed to be abolished was the estimated equivalent in cash of the tenth of the produce of each farm, to which the tithe-owner was originally entitled. Such composition was legalized, as described in an earlier chapter, and had been patched and tinkered after the usual manner of the United Parliament, until government and governed were alike sick of it; and so this Act of 1838 endeavoured to lay all the ghosts that had haunted the disagreeable subject for so many years.

It was certainly a sweeping change. It abolished the right of tithe-owners to obtain payments from occupiers as such. The opprobrium that had rested upon the Church of distraining upon unhappy tenants for the means of Church maintenance was removed. In its place was substituted the power of the tithe-owners to enforce payment of their unrighteous dues (less twenty-five per cent.) from the landlords direct, with the fullest powers of recovery. This so-called rent-charge, which was payable in the first place by the landlord to the tithe-owner, was in its turn, and to a like amount, recoverable by the landlord from the tenants over and above the amount of the rent otherwise payable; and the landlord was armed with additional powers "to enforce payment of such sum by distress, ejectment, or re-entry, or by action of debt, covenant, or otherwise, as he may have to enforce payment of the rent."

The effect was to convert every freeholder into a collector of tithes

for the clergy. The clergy were relieved from the necessity of coming into immediate collision with the occupiers. The tithe thus became confounded with the rent, and put into a form impossible to be resisted or evaded. In consideration of the additional security and tranquillity thus assured to the clergy, and of the saving of their heavy expenses to proctors and tithe farmers, they had to submit to the deduction of twenty-five per cent. before referred to. On the whole it was a most profitable change for the clergy, who were, indeed, the only persons benefited.

Stupid and inconsiderate as so much legislation for Ireland has been, this Act surpasses in stupidity all others ever passed. The conduct of the government can only be compared to the silly ostrich thrusting his head into the sand, under the impression that hiding a mischief was doing away with it. No doubt there were members of that ministry so infatuated with the Protestant Irish Church as to be willing to prop its rotten and tottering walls by any means—at any cost—at any risk. So far as that motive operated it was illustrated admirably. Everything and everybody was sacrificed to granting to the Church another lease of corrupt emolument and irresponsible power. At what a fearful cost of hatred and blood that lease was granted appears most vividly in the subsequent history of the unfortunate persons and people upon whom the dire mischief was wrought, by a government either corrupt or incapable, to the eternal disgrace of a Parliament that plumed itself upon being so newly “reformed.”

CHAPTER XXXV.

THE FIRST VICTIM—THE ASSASSINATION OF LORD
NORBURY—WHOLESALE IMPRISONMENTS.

WHILE that most reprehensible Tithe Act was making its way through Parliament, the people of Ireland were assiduously led to suppose that tithes were about to be abolished. Under that impression they gathered in the harvest of 1838 with lighter hearts than usual; and Ireland, under a grateful sense of concession, was more peaceful than usual.

The 1st of November broke the happy spell. That was the fatal day upon which, according to the Act, the first rent-charge was made payable by the tenants. They were immediately disillusionized. With electrical rapidity the truth flashed upon the whole people. Under the just impression that they had been deliberately deceived, the old leaven of agrarian conspiracy operated with magical rapidity. On every side—at every point—the people saw they were to be victimized, as they always had been. In their smothered fury they determined to make an effort to shake off the whole incubus of landlordism. The secret conspiracy of that time contemplated darkly proposals which the public have been brought face to face with in the light of events in 1880. The parties to this movement seem to have lost faith in O'Connell and all the hitherto recognized leaders, who do not seem to have been consulted or concerned. Notwithstanding, the conspiracy of 1838-9 proved to be regularly organized; all its members were bound by an oath of secrecy, and communicated together by secret signs. Every district had its committee, and every committee had a central office in each county, the officials of which were in

constant correspondence with the chief agitators in Dublin. The object of the conspiracy was simply to resist the payment of all rents. Deliberate assassination was the instrument with which the conspiracy professed to work. When any obnoxious individual was to be removed, two persons appointed for the commission of the murder were brought from a neighbouring county ; and, as the intended victim was usually unknown to such persons, some one of his nearest neighbours was selected to point him out. If pursuit was attempted, it was almost invariably futile, for so widespread was the discontent, so justly exasperated did the whole people feel, that every peasant was an accomplice, and every cottage an effectual hiding-place.

During the two last months of the year, every circumstance was carefully provided by the law to stimulate such a conspiracy. The rent-charges in lieu of tithes were due under the Act, and the operations of the Act created widespread scenes of devastation under the powers of "distress, ejectment, or re-entry," of a kind hitherto unknown. On the first day of 1839 Lord Norbury was shot in open daylight, while walking in his private grounds, within a short distance of his residence. He lingered for two days in great agony, and died on the 3rd of January, the first or at any rate the most conspicuous victim of the last piece of egregious folly of his order. They had thrown idle sparks amongst gunpowder, and affected to be horrified with the gunpowder for exploding.

Noblemen, gentlemen, magistrates of the county hastened to institute a searching inquiry ; but it was never discovered who perpetrated the atrocity, and the investigation only afforded dim evidence of the existence of the conspiracy just before described. It does not appear that well-grounded suspicion could rest upon any individual. The crime was committed with the most complete impunity. How Lord Norbury had offended the effective majesty of the unwritten law is not recorded ; but as he had extensive estates, and was bound to become, in common with other landlords, the executioner—the moral hangman—on behalf of the Church, towards his tenantry, it is not difficult to connect the offence with an approximate cause.

The conspicuous character of the event caused it to be warmly discussed in Parliament. In the House of Lords, Lord Roden asked whether any information had been given to her Majesty's government in Ireland likely to lead to the detection of the murderer of the Earl of Norbury ; whether any persons were in custody charged with that crime ; and whether the alarming conspiracy against life and property in Ireland, from which this tragic event, as well as many others similar to it, had emanated, was likely to be discovered and suppressed. It appeared there were some three persons arrested, but there was not sufficient evidence to detain them.

It came out that the Marquis of Normanby, who was then Lord Lieutenant, between 1837 and February 1839 had released 822 prisoners. Under the powers conferred upon him by various Coercion Acts, it is probable he had imprisoned most of them himself, and he was in like manner authorized to release them. There is no evidence that he released any of them without the fullest inquiry, and it was proved that he had rejected almost as many similar appeals to his clemency. But the excitement concerning Lord Norbury's assassination was extreme. Noble lords were in actual terror. The panic was led by Lord Brougham. He carried a vote of censure. The Marquis consequently resigned his office, and Lord Ebrington became Lord Lieutenant in his stead.

This accusation against Lord Normanby that he released 822 prisoners and refused applications for the release of about as many more, added to those who had no tangible excuse for applying to be released, gives us something more than a glimpse of the extent to which arbitrary arrests without accusation or trial had been carried ; and, presuming that most, if not all, of those released could not have been detained by any torture of evidence, there is more than enough ground for concluding that the persons so released, or most of them, had been originally (when first imprisoned) totally innocent of any crime or evil intent whatever, which points to the extent to which suspension of *habeas corpus* may be abused, even when administered by a humane official.

CHAPTER XXXVI.

THE REPEAL AGITATION—O'CONNELL'S SUPREME EFFORT
—FATHER MATHEW'S CRUSADE—CONCILIATION HALL
—MILITARY SUPPRESSION—GOVERNMENT PROSECUTION—O'CONNELL'S TRIAL, SENTENCE, RELEASE, AND DEATH.

WHEN O'Connell expressed the opinion that Catholic emancipation would deprive him of his chief weapon, he rather under-estimated the force of what he said. His notion was that religious enthusiasm was the most likely sentiment of the people upon which he could work, and that there was no surer way of securing popular sympathies than by appealing to religious motives. Between his first enunciation of those convictions and the so-called Emancipation Act there was a delay that must have met his views precisely. During that time he succeeded in getting himself recognized throughout the country as the man of the people; and when the emancipation was effected, the position he had then acquired remained in its fullest force, strengthened by all the advantages of having such a marked success to appeal to. So far, time had played into his hands; it had given him the universal recognition he had sought; and, so far as the bulk of the people were concerned, he had become their acknowledged leader and master.

But though the opportune delay had thus secured his position amongst the people at large, it did not prevent the mischief to him that really did result from the emancipation. That mischief was the decay and destruction of the support he had at first derived from the professional Catholics. As soon as they were made eligible for government appointments, it became their interest to cultivate good relations

with the government, and to truckle to the government whenever they could. This they did with an overflowing fervour that speedily carried them beyond O'Connell's reach. Previously, they had been emancipationists, and to that end repealers. Now, they were emancipated, and, being so, had become ardent unionists, thick-and-thin supporters of the government, whereby they saw their best chances of promotion.

At the same time, the leading men of the government were not slow to discover (what they had probably foreseen) that the relief of the Catholics—making them eligible for government appointments—had opened up a rich mine of influential government patronage. That patronage was forthwith applied to the national demoralization of the professional classes of Ireland. It was successful from the first, and it has been successful ever since. Previously to 1829, when government appointments in Ireland were necessarily limited to Protestants, the choice was so limited that the government was comparatively at the mercy of its officials, who, as a natural consequence, exhibited a remarkable degree of independence. Then, a magistrate or a judge was at liberty to speak his mind, and he often did, in severe criticism of the government and in sympathy with the suffering people; but since that time the Catholic official classes of Ireland, almost wholly described under the designation of the Irish bar, have not emulated their predecessors in that respect.

It must have been an intensely bitter discovery for O'Connell, when he perceived these professional classes falling away from him. There is reason to believe that he very soon appreciated the humiliating fact, that so many of his educated countrymen were willing to put themselves up in the market of appointments to be bought at government prices, to do the dirty work of the alien and the oppressor—the very worst feature then and since so conspicuously manifested in the Irish character. For this cause, probably, O'Connell did not promptly follow up the Emancipation Act by any very vigorous effort for repeal. He knew he had the ignorant masses with him, but the educated portion of the community he knew to be estranged. He was compelled to pause for consideration.

Notwithstanding all these discouragements, O'Connell so far kept

the subject of repeal alive as to compel ministers to notice it in the King's speech at the opening of Parliament on the 4th of February, 1834, when William the Fourth was made to say, "I have seen with feelings of deep regret and just indignation, the continuance of attempts to excite the people of that country [Ireland] to demand a repeal of the legislative union. This bond of our national strength and safety I have already declared my fixed and unalterable resolution, under the blessing of Divine Providence, to maintain inviolate by all the means in my power. In support of this determination, I cannot doubt the zealous and effectual co-operation of my Parliament and my people."

In reply to this, O'Connell moved, as an amendment to the address, that the passage should be omitted. He was beaten by 189 to 23, but public attention had been turned to the subject, and petitions rolled in praying for repeal. One of these petitions "for a repeal of the legislative union between Great Britain and Ireland" was presented to the Commons on the 22nd of April from Carlisle, where 2,100 signatures had been obtained; and after a number of petitions on the same subject had been presented, O'Connell made an extremely long speech, concluding with the words, "In the name, then, of Ireland, I call upon you to do my country justice. I call upon you to restore her national independence." The speech was to introduce a motion, "That a select committee be appointed to inquire and report on the means by which the dissolution of the Parliament of Ireland was effected; on the effects of that measure upon Ireland; and on the probable consequences of continuing the legislative union between both countries." After several adjournments of a very long debate, the motion was rejected in favour of an amendment by 523 to 38. Mr. Joseph Hume, who had voted in the minority, said "the majority was certainly ample enough for all purposes that were desirable, but one—it would not satisfy the people of Ireland." That was not only true at the time, but prophetic as to the future. The amendment so far acknowledged the necessity for the debate as to propose a conference with the Lords to arrange for presenting a special address to the King,

expressing a determination, while maintaining the Union, to enact laws for the removal of grievances. The conference eventually met and agreed upon the address, which was duly presented and graciously replied to. One of the enactments then promised was the fraudulent pretence of repealing tithes, previously referred to as resulting in the assassination of Lord Norbury—a worthy specimen of those remedial measures that have been so hypocritically foisted ever since upon a smarting people in Ireland and a deluded public in England.

So discontent went seething on, until repeal arrived at its most critical period in 1843. The Municipal Act had been passed in 1840, and had healed many wounds while opening some fresh sores,—the municipal franchise, through the persistency of the Lords, having been fixed at the extremely high figure of £10. The Poor Law Act was quietly irritating the whole community with its maximum of cost and its minimum of relief. Peace acts, arms acts, and other coercion acts, were, in the ordinary course, going gaily on. In the midst of these progressive events, O'Connell established early in 1839 the "Precursor Society," the meaning of the name being that Ireland was now about to make a last appeal for "justice," and that, if this were still denied, the existing society was but the precursor of a new and universal agitation for the repeal of the Union. This movement received considerable impetus from the establishment of the *Nation* newspaper, in 1842, by Thomas Davis and his friend Dillon, which paper sought to enlist the sympathies of Protestants in the interest of repeal, thus stripping the agitation of a certain suspicion of sectarianism, which, though disavowed by O'Connell, was naturally connected with it by reason of the antecedents of its chief. The editor was Mr. Duffy, but Davis was its chief writer.

Stimulated by the force of these circumstances, and backed by all the clerical and literary force of the country outside the corrupt official circles, O'Connell made his last great effort. It was early in 1843 when he established his "Repeal Association." The associates were to subscribe one shilling per annum, and the members one pound, or procure twenty subscriptions of one shilling. To these were added the

special subscriptions of committee-men, who managed the proceedings. The first great meeting got up by the Repeal Association was held at Trim, in Meath county, on the 16th of March. About thirty thousand persons were present, and the speeches were printed and disseminated with great rapidity throughout Ireland, forming an appeal to the people, upon whom the effect was electrical. Amongst the succeeding meetings was one at Mullingar, held on Sunday, the 14th of May, and attended by 130,000 persons, including bishops and gentry in great numbers. It was then said that the subscriptions amounted to £700 per week. Similar great meetings were held throughout the summer. On the 15th of August a vast assembly, estimated at 250,000 persons, met at the hill of Tara, that being the place where the ancient Irish kings are said to have been crowned. On this occasion the eloquence of O'Connell roused the people to the utmost pitch of enthusiasm. On the 20th of August there was another similar meeting at Roscommon, which O'Connell considered the most successful of the series. On the 22nd, at a meeting of the Repeal Association, O'Connell submitted a resolution of the committee, which said that "the people of Ireland do finally insist upon the restoration of the Irish House of Commons, consisting of three hundred members, the representatives of the Irish people, and claim, in the presence of the Creator, the right of the people of Ireland to such restoration. They have submitted to the Union as being binding as a law, but they declare solemnly that it is not founded on right or on constitutional principle, and that it is not obligatory on their consciences."

Throughout this period of great meetings—probably unprecedented for magnitude and unanimity in any country—there was no breach of the peace, and there were no outrages. Timid and interested persons all over Ireland were in a panic, and repeatedly petitioned Parliament to interfere. But the best proof that the panic was unjustifiable is that Parliament, though sitting the whole time, did nothing; neither did the ministry. O'Connell, with a persistency and consistency beyond all praise, always avowed his objection to violence, and his determination not to sanction it. During these vast meetings the whole people

were with him, and thoroughly respected his wishes in this respect. It being summer, there were no long dark nights, and there was comparative plenty.

It is an additional testimony to the thorough peacefulness of these meetings, that they were referred to in such terms in the Queen's speech on the prorogement of Parliament on the 24th of August, when she said, "I have observed with the deepest concern the persevering efforts which are made to stir up discontent and disaffection among my subjects in Ireland, and to excite them to demand a repeal of the legislative Union ;" but to show that there was no physical violence, it is enough to give a subsequent part of the speech, when her Majesty said, "I have forborne from requiring any additional powers for the counteraction of designs hostile to the concord and welfare of my dominions, as well from my unwillingness to distrust the efficacy of the ordinary law, as from my reliance on the good sense and patriotism of my people, and on the solemn declarations of Parliament in support of the legislative Union."

This was during Father Mathew's teetotal crusade. That Roman Catholic priest had for some time been preaching total abstinence to his countrymen. Whether they kept the pledges they took or not, it appears that both priest and people were heartily in favour of O'Connell, who accepted Mathew's co-operation with gladness. Meeting after meeting was held, each one more enthusiastic than the last, and each one peaceable, and each one unaccompanied by outrage. For O'Connell preached peace, and meant it. For it was still summer. For the government had not interfered.

Probably in anticipation of winter, and in prospect of weather unsuitable for outdoor meetings, O'Connell managed to erect a building at Clontarf, about three miles from Dublin. This building he called Conciliation Hall, meaning that all sects and classes of Irishmen were invited to meet there in a conciliatory spirit.

October arrived, and an outdoor meeting was announced to be held on Sunday, the 8th, at Clontarf. On the 7th, at half-past three in the afternoon, a proclamation was issued from Dublin Castle forbidding

the meeting. O'Connell immediately called a special meeting of the Repeal Association, and declared his intention in the interests of peace to prevent the meeting, calling upon the association and all his friends to aid him. He also immediately issued an address, in which he said, "We do most earnestly request and entreat that all well-disposed persons will immediately, on receiving this intimation, repair to their own dwellings, and not place themselves in peril of any collision, or of receiving any ill-treatment whatever. And we deem it prudent and wise, and above all things humane, to declare that the said meeting is abandoned, and is not to be held." Early next day a large force of soldiery with artillery was posted on the ground. The multitude assembled was immense ; but resistance to the military force was hopeless, even if contemplated, and there was no collision, and not a shot fired.

Within a week afterwards the government issued warrants for the arrest of O'Connell and his son John, with a party including Dr. Gray of the *Freeman's Journal*, and Mr. Duffy of the *Nation*, on charges of sedition and conspiracy. Bail was accepted from O'Connell of a thousand pounds, and two sureties of five hundred each. The case came before the grand jury on the 2nd of November ; evidence was taken till the 8th, when a true bill was found. The 11th was fixed for the trial, but then objections were taken to the composition of the jury, and an adjournment was obtained till January 15, when the traversers, as they were called, all appeared, O'Connell being in his barrister's robes. They were accused that they "conspired and confederated together to raise and create discontent and disaffection among her Majesty's subjects, and to excite them to hatred and contempt of the government and constitution of the realm as by law established, . . . and especially to promote among her Majesty's subjects in Ireland feelings of ill-will towards and against her Majesty's subjects in England, and to excite discontent and disaffection in the army, . . . and particularly by these means to bring about a dissolution of the legislative Union between Great Britain and Ireland ; and also by means of seditious and inflammatory publications to intimidate Parlia-

ment, and thereby bring about changes and alterations in the laws and constitution of this realm as now by law established ; and to bring into hatred and disrepute the tribunals established for the administration of the law therein, and assume and usurp the prerogative of the Crown in the establishment of courts for the administration of the law." This accusation is nearly identical with what the Land League of 1879-80 was subsequently accused of seeking to accomplish, and the resemblance commands prominent notice as showing the unity of purpose that pervades popular movements in Ireland from generation to generation.

Counsel for the Crown, having remarked upon the number of societies which O'Connell had taken part in, contended that the attempt to repeal the Union was in itself seditious and of a treasonable nature. The evidence adduced was chiefly derived from the examination of shorthand writers who had been employed by the government to attend the meetings of the Repeal Association. The case for the Crown lasted altogether a fortnight, and the close resemblance of the whole proceedings to those subsequently instituted against the traversers of 1880-81 is very notable.

Shiel acted as counsel for O'Connell, but the latter was also allowed, appearing in his robes, to defend himself. In all, the trial lasted twenty-four days, resulting in a verdict of guilty. The sentence upon O'Connell was twelve months' imprisonment, to pay a fine of five hundred pounds, and give security for his good behaviour in two thousand pounds. The other traversers were each sentenced to nine months' imprisonment, and a fine of fifty pounds.

Of course all this was profoundly satisfactory to those who were interested in stopping O'Connell's mouth, and from that point of view it has been boasted of ever since. But from the reverse point of view it was simply the government using its courts and tribunals and juries, and all the other apparatus of justice, to crush a political enemy, under the false and fraudulent pretence of a trial. There is abundant evidence that the jury was packed. Sixty-seven names were withdrawn from the jury list by a fraud, so that even one of the judges could not refrain

from mentioning it is a matter of "grave suspicion." Consequently out of forty-eight names submitted, there were only eleven Catholics, and all those were struck off by the Crown. The Chief Justice (one of the official classes), who conducted the trial, spoke as though he had been counsel for the prosecution, and so far forgot himself as to speak of the traversers' counsel as the gentleman on the other side, which created laughter in court and indignation outside.

The traversers were called upon to come up for judgment in May. During the interval the case was brought before the House of Commons. Lord John Russell openly impugned in his speech the constitution of the jury, and referred to the evidence of Sir M. O'Loghlen before the House of Lords, when that gentleman stated that he had been in the habit of going the Munster circuit for nineteen years, and on that circuit it was the general practice of the Crown in criminal prosecutions to set aside all Catholics and all the liberal Protestants, and he said that in the other provinces he had reason to believe the course pursued was as bad or worse. Lord John Russell continued, "Could the same, or similar cases, have happened in Yorkshire, or Sussex, or Kent? Are these the fulfilment of the promise made and engagements entered into at the Union?" That last was a most pregnant question applicable to many of the acts of the English government with regard to Ireland.

Mr. (afterwards Lord) Macaulay said, "I do say that on this question it is of the greatest importance that the proceedings which the government have taken should be beyond impeachment, and that they should have obtained a victory in such a way that that victory should not be to them a greater disaster than a defeat."

This debate continued for more than a week, and in the midst of it O'Connell appeared. After listening in silence for several days and nights, he at length addressed the House, his speech being received with marked attention. He said, "I have, in the name of the people of Ireland—and I do it in their name—to protest against the late prosecution. Forty-three public meetings were held, and every one of them was admitted to be legal; not one was impeached as being against the

law, and every one of them making on the calendar of crime a cypher ; but by multiplying cyphers, you come, by a species of legal witchcraft, to make it a number that shall be fatal. One meeting is legal, another meeting is legal, a third is the same, and three legal meetings, you say, make one illegal meeting. That, sir, is my first objection ; the second is the striking out of all the Catholics from the jury panel. There is no doubt of the fact. Eleven Catholics were upon the jury panel, and every one of them was struck out."

Nothing came of the debate. Ireland was held down by a military force of at least fifty thousand men, besides thousands of "peelers" forming the armed constabulary. On the 30th of May the traversers duly appeared, and were forthwith imprisoned in Richmond Penitentiary, a suburban prison at the south of Dublin, with splendid gardens and handsome accommodations ; where they rusticated for three months, holding levées in an elegant marquee in the garden ; receiving daily deputations, and visits from bishops, from Americans, and from all classes of Irish, including numerous ladies.

Nothing more condemns the government than the character of this imprisonment. If the allegations against the traversers were true, and their sentence just, they ought to have been rigorously and severely punished. It is evident, therefore, that the fraudulent character of the proceedings was virtually acknowledged, and some qualification was attempted in the preposterous character of the punishment, which was, in fact, only a clumsy excuse for shutting the prisoners up so as to prevent them from exercising popular influence.

Meanwhile the proceedings were brought before the House of Lords, on a writ of error which was heard on the 2nd and 4th of September. The opinions of nine English judges had been delivered. Eight pronounced for the validity of the trial, Mr. Justice Coleridge alone dissenting. In the Lords, the Lord Chancellor Lyndhurst and also Brougham pronounced in approval of the decision of the eight judges, but Lords Denman, Cottenham, and Campbell gave it as their opinion that the jury had been unfair and fraudulent, that no fair trial had

taken place, and therefore that the judgment should be reversed. So the whole proceedings were quashed, and Macaulay's declaration that the government's victory was worse than a defeat proved true:

All the traversers were immediately released, being escorted through the city by a vast and orderly procession to O'Connell's house. The procession marched through College Green; and just as O'Connell's carriage came in front of the Irish Parliament House, it stopped; and there was a deep silence as O'Connell rose and pointed with his finger to the portico, turned slowly round, and gazed into the faces of the people without a word. Again and again he stretched forth his arm, and his gestures were presently saluted with successions of the loudest cheers.

During the imprisonment, the contributions to the repeal treasury increased considerably, and the release of O'Connell was hailed as the harbinger of triumph. He was anxiously looked to for his wonted guidance. To the surprise of both friends and enemies he did nothing after his old manner. His enemies ascribed his succeeding feebleness to fear of further proceedings. His friends chafed and marvelled at his apparent supineness. Both were wrong. The secret of his quieter attitude was that he was nearly seventy, and the hand of death was already upon him. Whatever else he henceforth did lacked his old force. Softening of the brain had set in. His efforts got fewer and feebler, as he gradually sank under his malady. He lived long enough to witness some of the horrors of the great famine that so soon followed upon his imprisonment and release. Those horrors probably increased the mental paralysis that was growing upon him, which eventually resulted in a restless desire to see the Pope, and to go to Rome for the purpose. On his way thither, by slow and painful stages, he reached Genoa, where he broke down and died on the 15th of May, 1847, in his seventy-second year.

CHAPTER XXXVII.

THE DEVON COMMISSION.

DURING the very month in which the vigour of the government was manifested by the finding of the grand jury against O'Connell, the same government seems to have thought it necessary to do something per contra. Hence the Queen was induced to issue, on the 20th of November, 1843, a commission which she commenced, in the usual manner, with "Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To our right trusty and right well-beloved cousin, William, Earl of Devon ; and our trusty and well-beloved Sir Robert Alexander Ferguson, Baronet ; George Alexander Hamilton, Esquire ; Thomas Nicholas Redington, Esq. ; and John Wynne, Esquire, greeting. Whereas, we have thought it expedient, for divers good causes and considerations, that a commission should forthwith issue for inquiring into the state of the law and practice in respect to the occupation of land in Ireland, and in respect also to the burdens of county cess and other charges which fall respectively on the landlord and occupying tenant, and for reporting as to the amendments, if any, of the existing laws, which, having due regard to the just rights of property, may be calculated to encourage the cultivation of the soil, to extend a better system of agriculture, and to improve the relation between landlord and tenant in that part of our United Kingdom."

For the purpose stated, the fullest powers were granted to the commissioners named to take evidence and report thereon. Officially it was called the Commission on Occupation of Land (Ireland) ; but from the name of the chairman it was and is familiarly known and recognized as the Devon Commission. Whatever else may be said of

the members of that commission, when we consider that they reported on the 14th of February, 1845, and that between November 1843 and February 1845 (less than fifteen months) they took evidence and got information enough to fill four stupendous folio books, closely printed, and crammed with most valuable information, no one can question for a moment that they were men of the very highest order of business capacity. For the rest, they were all landlords, and the chairman was an Irish absentee landlord. That such men could come to conclusions favourable to tenants was too much to expect from human nature. To suspect them of leaning in favour of their own order would be impolite, but perhaps not altogether unreasonable. "You might as well," said O'Connell, "consult butchers about keeping Lent as consult these men about the rights of farmers."

Be that as it may, the report was derived from the examination on oath of eleven hundred witnesses of every class and condition, in addition to conversations with numerous persons. This evidence was also strengthened by a tour of the commissioners through the country, during which no trouble seems to have been spared to make the investigation thorough; always, as enjoined in their commission, "having regard to the just rights of property."

A prominent feature of the report of these ultra-landlords is the candid admission that the original landholders of Ireland were despoiled by "the confiscations of Elizabeth, James, and Cromwell; and [later on] the confiscations of the lands of O'Neill in the north, and Desmond in the south." Thus, to start with, we have to bear in mind that the whole tenure of land in Ireland, as admitted by these landlord commissioners themselves, is based upon the sacred right of confiscation. The penal code, which in its earlier days forbade Catholics to hold land in any quantity on any terms, was intended to make the confiscations more complete, and such would have been perpetual, only, as the Commissioners tell us, with admirable simplicity, the restraints upon Catholics were not consistent with a "due regard for the just rights of property," for the anti-Catholic code was eventually relaxed, not out of regard for Catholics and tenants, the ruffians, but

because "the Protestant landlords [poor fellows] also suffered indirectly from the operation of the same laws, for in letting their estates they were, to a great degree, confined in the selection of their tenants to those who alone could enjoy any permanent tenure under them." Yet though the landlords were thus placed at a disadvantage, the prejudice against Catholics, or rather in favour of Protestants, was so intense that, as late as 1771, the utmost that a Catholic was allowed to do in the way of tenure was "to take a lease of sixty-one years of not less than ten acres, or more than fifty, of bog, with only half an acre of arable land for the site of a house, but not to be situated within a mile of a town; and if it was not reclaimed in twenty-one years, the lease to be void." Here we have a complete epitome of the whole theory of tenure in Ireland. The unhappy tenant, rigorously excluded from advantageous occupations, permitted to vegetate how he can upon the bog, bound to reclaim it in twenty-one years or be dispossessed; or, in the event of holding on the lease to the end, bound to deliver up the fertile land his own labour has created, subject only to renewal of his lease at an enormously advanced rent based upon the improvements he, and he only, has made. In like manner, and for the same reasons, other Catholic disabilities have by slow degrees been removed, not for their sake, but that they might become the more acceptable prey of their devourers. It is precisely so, in the letter and in the spirit, with the whole of the law of land tenure in Ireland. It needs no detailed illustrations; that epitome contains the whole history, varying only in its ramifications and grades.

In our earlier pages we have noticed the forty-shilling voters—how they were created, and how they were extinguished. The report refers to the fraud of leases for lives, under which both processes were manipulated, always "having due regard to the just rights of property." The commissioners say that these leases for lives invariably contained covenants for perpetual renewal, on payment of a moderate fine, sometimes merely nominal, on the fall of each life. The commissioners add,

This tenure, though manifestly intended to be perpetual, has proved a source of frequent litigation. Various constructions have been put

upon the covenants." A quotation is given from a judgment of Sir M. O'Loughlen, when Master of the Rolls in Ireland, who said, "Every day's experience shows how very uncertain the duration of an interest under such a tenure is. Forfeitures of the right to enforce a renewal daily occur through the dexterous management of landlords. Covenants treated in some cases for more than a century as entitling tenants to renewal for ever, have been construed by courts of justice [having due regard to the just rights of property] as not conferring that right." Thus it is admitted that the law is all in favour of the landlord, but that, when it happens to suit his purpose, the courts will set the law aside, and allow him to trample it and the tenant under foot. This is not evidence on behalf of tenants; it is the damaging admission of a commission of landlords, and it helps to explain how it was possible to dispossess the so-called forty-shilling voters when it suited the landlords to appeal to their courts, created by themselves for their own purposes, ironically called courts of justice!

The commissioners add, "It is admitted on all hands that, according to the general practice in Ireland, the landlord builds neither dwelling-house nor farm offices, nor puts fences, gates, etc., into good order, before he lets his land to a tenant. The cases in which a landlord does any of those things are the exceptions. In most cases, whatever is done in the way of building or fencing is done by the tenant; and in the ordinary language of the country, dwelling-houses, farm buildings, and even the making of fences, are described by the general word 'improvements,' which is thus employed to denote the necessary adjuncts to a farm, without which, in England or Scotland, no tenant would be found to rent it." The last fourteen words rather savour of drawing the long-bow. There are plenty of Englishmen and Scotchmen who would take the barest land on an adequate lease, but certainly not on customary annual tenure, under which most of the Irish farms are held. In defence of that it is alleged that the Irish will not accept leases. It would be strange if they would, with covenants all in favour of the landlord, and courts presided over by members of the before-mentioned professional classes, who, according to the evidence endorsed by the commissioners,

are willing to set aside covenants and leases and all, whenever they prove inconvenient to the landlord.

The commissioners proceed, "It will be seen by reference to the evidence, that many witnesses of various classes have spoken of the discouragement to improvement that arises from the want of some certain tenure in the land. We think that no person acquainted with Ireland can doubt the importance of encouraging agricultural improvement throughout the country, including in that term improvement of the dwellings and farm buildings, as well as the better cultivation of the soil. In some instances the tenant may have capital which he will readily expend upon the land, if he can only be assured that he shall enjoy an adequate return for his expenditure in the length and certainty of his tenure, or can have secured to him a fair compensation for his outlay and labour on quitting the farm." That word "certainty" is another glance at the damaging fact that the docility of the courts, "having due regard to the just rights of property," prevents *certainty* even when the tenure is *long*.

"On the other hand," continue the commissioners, "it not unfrequently occurs that the only capital which the occupier of the soil possesses is to be found in the labour of himself and his family; if you show to him in what manner the application of that labour may be rendered most conducive to his own comfort and permanent benefit, and assist him with money and materials which his labour cannot supply, you will generally find the Irish peasant ready to co-operate with you in effecting improvements beneficial alike to himself and to the country." This is splendid testimony, derived from the commissioners' cloud of eleven hundred witnesses, against the oft-repeated assertion or insinuation that, as a rule, the Irish tenant neither desires nor deserves improvement in his condition.

The truth comes out very clearly that, as a rule, the Irish tenant can neither get a reasonable lease for a reasonable term, nor the help suggested, nor the compensation so justly due to him; but that, do what he will or how he will, he is out-manœuvred by his landlord or the agent at every turn, whereby he learns that the less he does the less

injustice he will have to suffer. To meet these facts the commissioners say, "It is because we believe in the concurrent testimony of many witnesses, that the attainment of these desirable objects is impeded by the feelings of distrust and insecurity that too often prevail amongst the tenant class in Ireland, that we venture to recommend some legislative interference upon this point. Although it is certainly desirable that the fair remuneration to which a tenant is entitled for his outlay of capital or of labour in permanent improvements should be secured to him by voluntary agreement rather than by compulsion of law, yet, upon a review of all the evidence furnished to us upon the subject, we believe that some legislative measure will be found necessary in order to give efficacy to such agreements, as well as to provide for those cases which cannot be settled by private arrangement." From this it appears that, in consequence of the aforesaid docility of the courts of justice, agreements, even when they exist, have no efficacy where landlords desire to override them; and all the commissioners contend for is legislation to enforce voluntary agreements, which, upon the evidence, have no efficacy otherwise. Nothing could be milder or timider—a proposal, not to enforce good tenure, but to make it efficacious when actually agreed for. In this truly timid spirit they express the hope that such an extremely mild dose of legislation will be speedily indulged in. So far as the conditions of tenancy were concerned, that was what came out of the four big volumes,—landlords were to be compelled to adhere to their own agreements.

How sanguine these commissioners were! for they go on to say, "We are convinced that in the present state of feelings in Ireland, no single measure can be better calculated to allay discontent, and to promote substantial improvement throughout the country." The simplicity of the proposal is so overpowering, that it seems incredible that any body of men could have indulged in it or expected any good from it; but in proof that we have not misquoted or misinterpreted their intention, we have only to quote their main proposition, formally set out by themselves as the right thing to be embodied in the Act recommended. "I. A power to register with clerk of the peace agreements

between landlord and tenant relative to improvements on farms, by draining or otherwise, and on farm buildings, etc., with a power to assistant barrister to enforce same, with an appeal to judge of assize." If that means anything, it is an admission that agreements not so registered are mere waste paper ; that when registered they can only be enforced at the discretion of the assistant barrister ; and that should he decide in favour of the tenant, the landlord has a power of appeal to a judge of assize at a trouble and expense almost certain to harass the tenant out of his holding, or ruin him with costs.

Bearing in mind the evident business capacity of these commissioners, and discovering that the above is their first and greatest proposal, one loses all respect for what other smaller remedies (if remedies they can be called) they recommend. We are compelled, in defiance of strong predilections in their favour, to conclude that the prejudices of the class were so intense, their perceptions so hopelessly overlaid with their own narrow interpretation of "a due regard to the just rights of property," that O'Connell's estimate of their unfitness for their office was not overdrawn. Viewing that proposition of theirs, portentously numbered "I.," as the best thing they arrived at, we can only regard the four big volumes, and all the evidence in them, as mystification of the subject—a vast impenetrable mountain of blue-book, out of which they induced such a sorry mouse to creep.

That they added suggestions where there were no agreements to register is of a very small account. The uncovenanted tenant who desired to improve was to give his landlord notice, with no end of formalities for entangling the tenant and giving new power to the landlord, in the event of the landlord agreeing to the improvements ; and if he did not, he could refuse to be answerable, or, failing that, retained full liberty to turn out the tenant for the impudence or temerity of his proposal. This proposition, even though it had included reasonable security for the tenant, which it did not, was pervaded with the same vicious principle upon which all legislation, both British and Irish, has proceeded with reference to formal compensation of tenants for permanent improvements. It only makes provision for ambitious

and exceptional outlay, deliberately undertaken after the devotion of more time and consideration than the tenant has generally leisure for, or than the work is worth. It leaves untouched the countless odds and ends that go to the improvement of a farm in the course of years, which, in the hands of a skilful and judicious cultivator, add more to the working value than the obtrusively conspicuous but often valueless outlay devised for the benefit of engineers, and the mere investment of capital that might often be just as wisely thrown into the mid-Atlantic. It is in the matter of such odds and ends, that are at the root of all good farming, and can only be understood and appreciated by experienced practical men, that Irish farms are most deficient, because they are the class of improvements that are most discouraged by a system that is almost summed up in rack-rents and ejectments without compensation. The timid policy of the Devon commissioners does not come within a thousand miles of an adequate remedy. Nothing will effect it but a candid confession of past faults, and an equally candid concession of a comprehensive system of unqualified tenant right.

Upon this subject the commissioners say, "In the account given by witnesses throughout Ireland of the mode in which the occupiers hold their land, the most striking peculiarity is the custom prevalent in the northern counties called the tenant right. Large tracts having become the property of public bodies, or of individuals resident at a distance, the landlords were well contented to let their farms to those who would undertake the cultivation and entire management, reserving to themselves a rent, but making no expenditure, and exercising little interference with the land. Under these circumstances it seems neither extraordinary nor unreasonable that a tenant quitting a farm, either at his own desire or from any difference with his landlord, should obtain from his successor a sum of money, partly in remuneration of his expenditure, and partly as a price paid for the possession of land which the new tenant would have no other means of acquiring. From this state of things a feeling of proprietorship appears to have grown up in the tenant, which continues in a great degree to the present day, and the extent to which it prevails may be seen by reference to various

parts of the evidence taken in the province of Ulster. Under the influence of this custom the tenant claims, and generally exercises, a right to dispose of his holding for a valuable consideration, although he may himself be a tenant at will [meaning an annual tenant], and although he may have expended nothing in permanent improvements. We found that in various parts of that province sums equal to ten, twelve, or fifteen years' purchase upon the rent, are commonly given for the tenant right; and this not only where the rent is considered low, but where it is fully equal to the value. Proprietors generally have been enabled to place a restriction upon this tenant right, so far at least as to secure a power of selection with respect to the tenant, and to place some limit upon the amount to be paid."

This ten or fifteen years' purchase, which is put so prominently as an extravagant amount when given by an incoming tenant, and when grudgingly allowed to go to the outgoing tenant under the custom, is in reality a fair measure of the degree in which tenants have been plundered by the landlords in other parts of Ireland where the custom has not prevailed. There, when an advance of rent equivalent to twenty or thirty years' purchase is exacted from an incoming tenant by the landlord, that is all right and comfortable; but when the increased value for improvements goes to the outgoing tenant, it is all wrong, and very uncomfortable, and arouses the just indignation of the landlord at the rapacity of the outgoer.

Upon this the commissioners make a very suggestive comment, saying, "Anomalous as this custom is, if considered with reference to all ordinary notions of property, it must be admitted that the district in which it prevails has thriven and improved in comparison with other parts of the country; and although we can foresee some danger to the just rights of property from the unlimited allowance of this 'tenant right,' yet we are sure that evils more immediate, and of a still greater magnitude, would result from any hasty or general disallowance of it, and still less can we recommend any interference with it by law."

According to the commissioners, therefore, tenant right is an invasion

of the ordinary notions of property ; invasion of the ordinary notions of property causes thriving and improvement, but thriving and improvement being inconsistent with the ordinary notions of property, they express the hope that "the evils [the thriving and improvement] of an unrestricted tenant right will be avoided." This indicates a deplorable confusion of ideas, only to be accounted for by the prejudices of the commissioners, who, when they say "property," evidently mean *landlords'* property. They are unable to see that a tenant has an equal right to his property also ; and when, as the commissioners admit, regard for the property of tenants is best for the public good, they yet desire to see that regard stamped out by what Sir M. O'Loghlen so felicitously calls the "dexterous management of landlords."

Where there is no tenant right, the commissioners say, "Speaking generally with respect to the occupation of land in Ireland, we find that it is usually held under terminable leases for various terms, or by tenants from year to year. We believe that the larger proportion of the land is occupied by tenants at will," by which the commissioners meant tenants from year to year, and that is quite bad enough, as six months' notice to quit is short enough to satisfy most of the rights of property, though perhaps some landlords would like to have the power over *really* tenants at will, subject to ejectment without any notice at all. Even the Devon Commissioners did not go so far as that, though, to be consistent, they ought to have done so ; for not only did they suggest the extinguishment of tenant right wherever possible, it does not seem to have occurred to them for a moment to extend to those districts where it was and is unknown, that thriving and improvement which, notwithstanding the invasion of the ordinary notions of property, are admitted to be the results of tenant right.

While the commissioners, as before mentioned, admit the superior thriving and improvement of Ulster, and do not dispute or hint that it arises from any other cause than tenant right, they are very reticent in their report concerning the evils that then prevailed (in 1844) in almost every other part of Ireland, when tenant right was unknown. They do

not lay any considerable stress upon the cruelty and ruinous character of evictions generally, but they do refer to some of the ultimate consequences.

In every part of Ireland the immediate effect of the consolidation of farms and consequent evictions is to drag down the little farmer—struggling and full of hardship as his lot may be—to the still worse and often hopeless condition of a labourer, very ill paid at best, and mostly out of employment entirely. Concerning that class the commissioners say, “A reference to the evidence of most of the witnesses will show that the agricultural labourer of Ireland continues to suffer the greatest privations and hardships; that he continues to depend upon casual and precarious employment for subsistence; that he is badly housed, badly fed, badly clothed, and badly paid for his labour. Our personal experience and observations during our inquiry have afforded us a melancholy confirmation of these statements; and we cannot forbear expressing our strong sense of the patient endurance which the labouring classes have generally exhibited under sufferings greater, we believe, than the people of any other country of Europe have to sustain.”

Much of the distress (of which the foregoing evidence is but as two or three feeble rays plucked from the fierce heat of a scorching tropical sun) directly arose from the consolidation of farms and the consequent ejection of tenants of small holdings to make room for the enlargement of the holdings of their neighbours. The report admits that in this way a system of extermination has been going on ever since 1815, aggravated by the extinguishment of the forty-shilling voters in 1829, and by the gradual introduction of steam-power and other machinery adapted for farming on a large scale. Here were a people mainly, almost entirely Catholic. Looking back at the legislation respecting them and their farms, it is certain that the most part of their holdings had been reclaimed from the bog, or other waste, by them or their forefathers; by which means, entirely of their own labour and at their expense, worthless wilds had been turned into cultivated land, most of it of great productiveness, and much of it of surpassing fertility. All

the landlord had done had been to exact his rent, which he had raised again and again, solely by force of law, regardless of equity.

And yet, to use the words of the commissioners, "so anomalous are all ordinary notions of property" from the landlord point of view, that any landlord so circumstanced is legally entitled, and held to be morally justified, in turning the whole of those tenants adrift whenever he considers it more profitable or more advantageous in any way, or more agreeable for any cause, so to do, without a vestige of compensation or recompense. And the commissioners excuse such conduct and applaud it. They tell us that the holdings were so small that it was manifestly impossible for the holders to live upon them. That has nothing to do with it. The landlord turns them out, as he conceives, for his own advantage; and for that advantage, obtained at their expense, he ought to pay. The sacred rights of property demand it. The courts, if they were worthy to be called courts of justice, would award it, and award it heavily. The least that a landlord could be required to do would be to find the tenant another holding. There are plenty of bogs to be reclaimed yet, with which "all ordinary notions of property" are unable to cope; and for every acre of good ground of which a tenant is dispossessed let the landlord be required to secure to the tenant, rent-free, ten of a bog to be reclaimed. If he has no bog of his own, let him acquire the right of disposal of somebody else's bog. If he cannot do that, let him leave his tenant alone. Something of the kind would be done only for those awfully "ordinary notions of property." A landlord under such circumstances has clearly no right, in the interests of the community, to turn people adrift in that way with every probability of their becoming chargeable to the public.

But the commissioners can see no other remedy than emigration, so that the extermination, so allowed by law and applauded by them, may be thorough and complete. The broad ground of excuse for such a recommendation is that Ireland is over-populated. Their report has been made the basis of the same assertion from various quarters ever since. It will be more convenient to deal with the whole subject of over-population in a later chapter.

Another alternative is the reclamation of waste lands. The notion of the commissioners, harped upon very much by many people since, is that there should be an extensive reclamation by means of public money. It would employ the people, and it would result in food to feed them with afterwards. Very true. But, unfortunately, such schemes are totally inconsistent with those extremely "ordinary notions of property" which stand in the way of every effort to make those drastic reforms that Ireland stands so much in need of. There have been no end of schemes and operations for the public improvement of waste lands, and the outcome of all of them is that nobody gets any good by them but the landlords. It would be a comparatively easy matter to convert millions of acres of Irish bog and Irish mountain into rich pastures and fruitful fields if it were only a question of public expenditure and mechanical operation. But when it is considered that the eventual result is to enrich individuals at the public risk, to give landlords additional powers of oppression, and to sacrifice the broad basis of individual enterprises (which can alone maintain national prosperity) to schemes of monopoly and extermination, the public mind rebels against the notion, no honest statesman can go heartily into such projects; and hence the great works of arterial drainage and other sweeping improvements of a national character have to stand aside in favour of the "ordinary notions of property"—the ordinary and perpetual curses under which Ireland has groaned and suffered for centuries, and must ever continue to groan and suffer so long as those notions are permitted to prevail.

Since the Devon Commission those notions have suffered several rude shocks. Notions concerning tenant right have progressed far beyond the ordinary dead level which the Devon Commission sought to maintain. If Ireland is to prosper, they must progress considerably more. Whether the statesmen of the time are equal to their opportunity remains to be seen.

One of the most practical deductions of the commissioners was, that numerous Irish freehold estates were so encumbered with mortgages and charges that improvements were thus delayed or rendered

impossible. This, being rather a matter concerning landlords than tenants, naturally excited the observation and sympathy of the landlord commissioners far more than the paltry details of mere evictions. So their recommendations were of a practical character, upon which were based the "Encumbered Estates Acts" subsequently passed, as referred to in a later chapter.

The county cess is an expression peculiar to Ireland. It seems to be almost the same thing as what in England is known as the county rate. The chief difference is that, in Ireland, it is made to contribute to more charges, and heavier charges, than the rate has to contribute to in England, so that the pressure upon the ratepayer is greater. It appears from the Devon Report that at that time the county cess was payable in equal proportions—half by the landlord, and half by the tenant. It seems that proposals had been made to throw the whole upon the landlord, and this appeared to the commissioners to be so opposed to "ordinary notions of property" that they denounced the proposed change with something like indignation, for reasons not clearly made out, but no doubt sufficient to satisfy the consciences of the commissioners. In other respects, they fenced with the subject by demurring to the charges for constabulary, and other matters having no reference to the general principle of rating, which was hence left untouched.

A portion of the report is devoted to the inevitable Irish subject of agrarian outrages. They are admitted to arise from discontent concerning tenure, but there is nothing new either as to facts or deductions. It is worthy of note, however, that such outrages are pronounced to be then "on the increase."

The report of this Devon Commission being presented to Parliament on the 14th of February, 1845, and as there was evidently, as usual, a disposition to rest content with the report, and do nothing thereon, the Earl of Devon, on the 6th of May, expressed in the House of Lords the hope that no great delay would be allowed to occur before some of the measures recommended in the report were introduced into Parliament, for he was quite sure that it was the intention of her Majesty's

government to carry out the recommendations contained in the report. The recommendations referred to in particular were county cess and encumbered estates, those being naturally of the first importance in the landlord estimation. To this Lord Stanley replied that his noble friend must be aware that those recommendations embraced subjects of the greatest possible difficulty.

This was the stereotyped formula with which it has always been the official custom to meet every movement for reform of any kind ; the official instinct being to put off everything till the latest possible moment. Accordingly, we find the Earl of Devon, on the 14th of July, saying that he found it would be impossible to carry into a law during that session the measures which he intended to introduce on the report of the commission.

CHAPTER XXXVIII.

MAYNOOTH AND THE QUEEN'S COLLEGES.

NOTWITHSTANDING the evidence contained in the report of the Devon Commission, the government, like its predecessors, seemed to continue blind to the existence of greater grievances than those of a sentimental character—grievances down in the darker material depths, far below creeds and catechisms, where sacraments and psalms are alike of little account ; grievances compared to which religious differences and religious equality, are but so many idle bubbles, blown, as O'Connell said, by mere puffs and freaks of popular excitement, very different from the alternating calms and tornadoes that sustain the people in patience or stir them into fury when the fit comes on.

Peel had the labours of the Devon Commission to guide him, and many previous government papers were accessible to him ; and they all told the same tale. Yet Peel was so intensely Protestant and English—so incurably Saxon, that he went on saying “Catholic, Catholic,” as the be-all and end-all of Irish affairs, like the pious old lady who took such comfort from saying to herself Mesopotamia. In common with his infatuated predecessors, he stubbornly refused to see, or to confess that he saw, that land tenure was at the bottom of it all—the unstable foundation of the broad and deep Irish troubles past, present, and to come.

Failing the courage to look the truth in the face, or doubting his ability to face the truth effectually if he did look at it, he cast about in the traditional manner for some colourable pretence of remedial measures, such as former premiers had dabbled in. He was probably

unaware that he was playing the part of a political Thomas A'Becket. His clerical prototype said "saving my order," until it came to pass that his order could not save *him*. Sir Robert Peel's refrain was contained in the document that appointed the Devon Commission, where it said "having due regard to the just rights of property." That always has been the stumbling-block of material reforms in Ireland. It crops up at every turn. Those who insist too much upon that proviso will do well to compare it with that of A'Becket, and to remember that the temple of property, like the chief fane of A'Becket's order, is only a refuge in its due season.

The successors of A'Becket have not forgotten the warning not to stand by their order too stiffly, and it may be worth while to consider that "having due regard to the just rights of property" may be writ too large, or too frequently. Peel could not make a move in that direction without repeating it again, and perhaps he thought it too soon to do that. He had been baffled by the breakdown of the proceedings against O'Connell, and he did not want to be baffled again in the same quarter.

The sudden convert to Catholic emancipation, desiring to improve the occasion—unable to act in the spirit of the Devon Report, and desiring to do something as a substitute for what he ought to have done—hit upon a happy thought. Instead of giving the relief really required, as so very mildly suggested by the commission, he devised a means of winning over, as he thought, the clerical classes of Catholics, and that same year brought in his memorable Maynooth College Bill. This was for the purpose of securing to that college a permanent income in place of the annual precarious one it had previously enjoyed. Perhaps there never was a bill more strenuously opposed by the people of England. Rightly or wrongly, they were aroused into an enthusiastic opposition to what they conceived to be official recognition and sanction of Roman Catholicism. Meetings were held in every town. Addresses were delivered and sermons preached against it in almost every chapel. Petitions in vast numbers—to the Commons—to the Lords—to the Queen—poured in from all quarters.

To all this Peel replied, "The more you petition, the more determined am I to carry the bill." To the House of Commons he said, "I say this without hesitation, and recollect that we have been responsible for the peace of Ireland; you must, in some way or other, break up that formidable confederacy which exists against the British government and British connection. I do not believe you can break it up by force. You can do much to break it up by acting in a spirit of kindness, and forbearance, and generosity." This premier, who had not scrupled to pack the jury to condemn O'Connell—who had been condemned himself for doing so by the judgment of the House of Lords—who had maintained his army of fifty thousand in Ireland, and the constabulary called by his name, when he had hounded down O'Connell and pretended to suppress the Repeal Association—thus openly avows that all his blundering had failed, and confesses that it was impossible to break down the repeal agitation by the force he had so unscrupulously used. Now his remedy was generosity—his generosity was thirty thousand pounds down, and six thousand a year, wherewith to bribe five hundred free scholars and the Catholic clergy; and he declared to the House that if generosity did not overflow so far he would not answer for the Union. So the bill was forced through both Houses, in defiance of strenuous opposition there as well as throughout the country. Let Peel's successors say how much it has done towards permanently conciliating Ireland.

It would appear, however, that the government conscience was smitten in that it had made such a concession to Catholics; so, as a set-off, in the same year an Act was introduced by Sir James Graham "to enable her Majesty to endow new colleges for the advancement of learning in Ireland." The colleges thus founded soon got to be called "Queen's Colleges," about which so much fuss has been from time to time made. These colleges were, from the first, and continue to be, three in number, at Belfast, Cork, and Limerick respectively. The grant for them was £100,000 down and £21,000 per annum—seven thousand to each. The annual income was expressed to be "for the support of President, Vice-President, and to such Pro-

fessors in the several faculties of Arts, Law, and Physic, as shall be from time to time established by her Majesty," and the various subordinate expenses hence arising. This, without saying as much in so many words, excluded religious teaching, for which no endowment was provided. But "for the better enabling every student in the said colleges to receive religious instruction according to the creed which he professes to hold, be it enacted, That it shall be lawful for the president and professors to assign lecture rooms within the precincts of such college, wholly or in part, for the use of such religious teachers as shall be recognised by such governing body, and to make rules concerning the days and times when such religious instruction shall be given therein, and for securing that the same shall not interfere with the general discipline of the college. Provided always that no student shall be compelled by any rule of the college to attend any theological lecture or religious instruction other than is approved by his parents or guardians, and that no religious test shall be administered to any person in order to entitle him to be admitted a student of any such college, or to hold any office therein, or to partake of any advantage or privilege thereof; but this proviso shall not be deemed to prevent the making of regulations for securing the due attendance of the students for divine worship at such church or chapel as shall be approved by their parents or guardians respectively.

In order to encourage religious instruction a subsequent section made express provision for facilitating the endowment of religious teachers by private benefactions, so that, in fact, the amplest provision was made for such religious instruction as parents desired and as the persons interested were willing to pay for. So far from there being any discouragement of religion, it was carefully provided for and anticipated. But this sort of thing did not suit the views of the Catholic priesthood, who in effect, declared they would rather the people grew up in ignorance than that their dogmas should not be forced upon them; who were bitterly opposed as they had been in the common schools, to teaching a boy the multiplication table unless that practical instruction were accompanied by dogmatic

theological teaching; though the Irish members of Parliament generally approved of the bill, the word went forth from Irish Bishops against the colleges and all their works. O'Connell, in Parliament, denounced the proposal as a system of "godless colleges." He did not know, then, poor fellow, but we know now, that his brain had already begun to soften, which excuses the imbecility of such a senseless anathema, taken up from him and repeated by the sillier sections of the Irish Catholics ever since.

The Queen's Colleges are amongst the best things ever done by England for Ireland, but higher education is no remedy for the lower forms of physical want. Grammar and geography, with all their advantages, will not pay exorbitant rents, or fulfil unreasonable covenants or make bad seasons good ones. So the outrages went gaily on. Union Legislation had failed again. Peel's force had previously broken down, by his own confession. Peel's generosity had now also broken down.

The Maynooth Act passed on the 30th of June 1845, and on the 22nd of the following January, the Queen, in her speech at the opening of Parliament, put upon record the results of all the force and generosity that had been so freely lavished, when she said, "I have observed with deep regret the very frequent instances in which the crime of deliberate assassination has been of late committed in Ireland." Could there be more scathing condemnation—self-inflicted condemnation? For, Peel had to write the passage himself; and "very frequent instances" is an extremely strong phrase, applied to such a subject, when clothed in the regal dignity of a speech from the throne.

CHAPTER XXXVII.

THE GREAT FAMINE.

WHILE the Report of the Devon Commission was being slowly digested, after the manner of English officialism, and while Peel was endeavouring to buy over the good-will of the Catholics by his Maynooth Act, there was preparing in Ireland the foundation of a series of events unexampled in the history of any country, and calculated to awaken the drowsy perceptions of the United Parliament and ministry to the real facts of the case of Ireland.

Early in the autumn of 1845, it began to be rumoured that there was a new form of potato blight prevailing. It seems to have first appeared in England (imported thence from Germany), and caused great havoc in that country, but, in 1845, it broke out in Ireland with extraordinary virulence. Representations from all parts of Ireland poured into the government offices in Dublin, and they were transmitted thence to Westminster, and the first evidence we have of official recognition of the existence of the evil, is derived from the Queen's speech of the 22nd of January, 1846, where we read, "I have to lament that, in consequence of the failure of the potato crop in several parts of the United Kingdom, there will be a deficient supply of an article of food which forms the chief subsistence of great numbers of my people. The disease by which the plant is affected has prevailed to the greatest extent in Ireland. I have adopted all such precautions as it was in my power to adopt, for the purpose of alleviating the sufferings which may be caused by this calamity ; and I shall confidently rely on your co-operation in devising such other means for effecting the same benevolent purposes as may require the sanction of the legislature."

To that time all the benevolence had expended itself in official inquiries. Professors Lindley and Playfair, who were commissioned to inquire, reported that the deficiency in the potato crop exceeded one-third (the proportion at first suggested), and was apparently quite one-half. This did not satisfy Peel. He gravely asked whether any considerable portion of the crop of 1844 remained in stock. As he had been Chief Secretary for Ireland, this was a surprising exhibition of ignorance, both of the nature of potatoes and the circumstances of Ireland. But this and other equally idle queries were embodied in government inquiries so late as the 8th of December, about which time Sir Thomas Freemantle assured a deputation that "the Government was fully prepared to take such steps as might be found necessary for the protection of the people when the emergency should arise."

Most observers thought it had arisen already, as hundreds of the people had died of starvation ; and so affairs went on until the said January 1846, when Parliament began to very slowly enact measures of relief. These measures of relief were, for the most part, like those for the relief of the famine of 1822, previously referred to. They were spread over the sessions of 1846 and 1847, and their general character was to advance money for public works, for the employment of the unemployed, and as loans to boards of guardians. To these were added an Act to authorize the advance of money for the completion of certain railways. These enactments were merely to enable the Government to lend money to Ireland in various forms on good security, to be afterwards repaid ; so that the cost to England was nothing. To take credit for benevolence for such a course was an official stretch of imagination, evidently viewed by the United Parliament with great complacency, in which the entire English people, who were generally ignorant of the facts to the extent of totality, very generally concurred, and thanked God they had the means and the disposition to save Ireland from the starvation it really deserved. The complacency might have been better justified from a business point of view, as the English Government were borrowing at three per cent. and lending to Ireland with a power to charge five per cent., which was done when-

ever possible, loans being sometimes without interest as an exception. To show how little advantage the relief conferred, from a business point of view, it is sufficient to record the fact that, though the government offered to assist in making 1,500 miles of railway, the offer was only accepted in respect of 123 miles.

What the amount was that was really advanced cannot be accurately stated. It is usually put at from eight millions to ten millions, and that is a sufficiently near estimate, but the figures are conflicting and inconclusive. It is certain that a large portion of the money was sunk upon the salaries of officials, and a still larger proportion went as profit to speculating contractors, for the Acts provided that the works should be let to contractors when possible, and the contractors took the contracts to a fine tune, making a tremendous profit out of the starvation and extremity of the hungry people, who worked at the rate of eightpence a day. It was computed that at least half a million of men were employed for a considerable time upon these works ; the number is said to have reached at one time 730,000 ; but, great as were the numbers, they were far exceeded by the number of those who remained unemployed, and who sought in vain for the employment supposed to be provided for them. In this and in every other direction, the efforts of the Government failed to cope sufficiently with the emergency they had at first referred to with such confidence.

The Government grants were supplemented by voluntary subscriptions. A central committee was established in London, and the whole amount collected in England is said to have been something over a quarter of a million, it being a notable record that the Society of Friends alone contributed twenty thousand pounds. Most of these voluntary sums were undoubtedly given for Irish relief in a spirit of benevolence, but there is no disguising the fact that a large portion of the money went in salaries, and especially in profits to merchants who sold cargoes of food, and shipowners who got their freights for conveying the food to Ireland.

The character of the works undertaken, and the reasonableness of carrying them on, may be judged of from the ascertained fact that a

large portion of the money was spent upon about twelve thousand persons who had their management, and in many districts they were pronounced to be "works worse than idleness." They were chiefly road-making, and in Ulster they were officially called "public follies." Colonel Douglas, a Government Inspector of Works, reported, with more candour than official discretion, but no doubt truthfully, that they were "works which will answer no other purpose than that of obstructing the public conveyances." The efforts made at the same time to promote fisheries were so clumsily undertaken by ignorant persons who had got the appointments in the emergency, that no good whatever arose from them. Throughout, whether inland or on the coast, the whole movement seemed to be rather a scheme for increasing Government patronage than for the relief of the Irish people.

This reflection is fully justified on considering the evidence that Government grants and voluntary subscriptions combined—wages for employment and money and food distributed as alms—alike failed to touch more than the fringe of the evil. In the midst of all the confusion of this undisciplined pecuniary effort, the poorhouses were crammed with the starving and the dying, and the tale is unvarying and never ceasing, from the beginning of 1846 until the end of 1847, in which latter year the potato crop was a success.

The cold was unusually severe in December, 1846. The deaths were so numerous that providing coffins for the victims became a serious question, as the survivors in a poor family could not now attempt to purchase them, as the outlay of a small sum for a coffin might be the cause of further deaths from starvation in the same family. Dr. Donovan, amongst other testimony, reported that he had been followed by a crowd of applicants, seeking coffins for their deceased friends. On asking for coffins from the authorities he was laughed at. Starvation developed into a malignant form of typhoid, known as the famine fever. Those first attacked were individuals who had been reduced by bad diet or insufficiency of food. In many cases the fever set in immediately after recovery from starvation. In Castlereah Workhouse as many as fifty persons a week died of this fever.

In 1847, the fever rose to a fearful height. The Commissioners of Health reported that "the state of the medical institutions of Ireland was unfortunately such as peculiarly unfitted them to afford the required medical aid. The county infirmaries had not provision for the accommodation of fever patients. The county fever hospitals were destitute of sufficient funds; and dispensaries, established for the purpose of affording only ordinary outdoor medical relief, could of course afford no efficient attendance on the numbers of destitute persons suffering from acute contagious diseases in their own miserable abodes, often scattered over districts several miles in extent."

In April, 1847, the total number of inmates in Irish workhouses was 104,445, of whom 9,000 were fever patients. The deaths in a week were 2,706. On the 19th of April, the number of cases of fever at Swinford was reported as beyond calculation. Some idea only is got of the dreadful mortality then prevalent in Cork from the fact that in one day thirty-six bodies were interred in the same grave, and the deaths in the workhouse in four months were 2,130. Dropsy, as a result of starvation, became almost universal. There were upwards of three hundred cases of fever in the Carrick-on-Shannon workhouse, and the deaths were fifty per week. Macroom was plague-stricken, persons of all ages dropping dead in the streets. In Sligo there was disease in every street, and of the worst kind. Fever committed fearful ravages in Ballindine, Ballinrobe, Claremorris, Westport, Ballina, and Balmullet, all in Mayo. In Roscommon the fever was truly awful, the hospitals were full, and applicants were daily refused admission. "No one can tell," says a writer of the time, "what becomes of these unfortunate beings; they are brought away by their pauper friends, and no more is heard of them." Seven bodies were found in a hedge; the dogs had almost eaten the flesh off. Small-pox, added to fever and dysentery, prevailed at Middeton, in Cork county, and near Bantry Abbey nine hundred bodies were interred in a plot of ground forty feet square. From the autumn of 1846, to May 1847, ten thousand persons were interred in Father Mathew's cemetery at Cork. At one time the deaths in Cork workhouse were 174 per

week, or more than one death in every hour. These are but a few of the details of that terrible time, the cases of starvation recorded in 1845 being 37,604; in 1846, 40,620; in 1847, 156,824. It is evident that the unrecorded cases were numerous beyond all calculation.

Emigration was universally recommended, and almost universally resorted to. But hundreds of thousands of the most destitute were totally unable to emigrate for want of the means of doing so. It would appear that all who could go, who had no strong reason for remaining, went. What with deaths and emigration the broad result of the famine upon population was as follows :

Population in 1841,	.	.	.	8,175,124
Population in 1851,	.	.	.	6,515,794
				<hr/>
Decrease,	.	.	.	1,659,330

But that only imperfectly conveys the truth. Allowing for ordinary increase of population the census of 1851 should have given a total of 9,018,899, so that the result of the famine was really to diminish the population by 2,504,005. The recorded emigration during the ten years was 1,436,862, so that the excess of mortality during the ten years was 1,067,143.

CHAPTER XXXVIII.

RESPONSIBILITY FOR THE FAMINE—AN ABORTIVE COERCION BILL—PEEL'S RESIGNATION, RETIREMENT, AND DEATH.

THE substantial accuracy of the figures previously quoted is not disputed. The fearful sufferings that resulted from the famine are admitted by all who are qualified to speak of them. Upon those points, all are agreed. But, with reference to the deductions from the facts, there is great divergence. In England it is generally regarded as a visitation of Providence, beyond human control. It is contended for the English Government, that it did everything it could do to mitigate the mischief. It is commonly claimed, on behalf of the English people, that they are in no wise responsible. It rarely seems to occur to anybody that the Union had anything to do with it.

Upon all these points the English Government and people, are and have been perversely blind to the real truth that the famine, and its consequences, were wholly and solely caused by the Union and the legislation that has arisen out of it. It is a fact that the agonizing deaths of that miserable million or so of people lie at the door of England—the biggest and blackest blot upon her escutcheon. It cannot be hidden, disguise it how we will. Years—even though they be years of penitence and restitution—cannot efface the mark. Even the most callous must for ever admit, at least, that “Yet here’s a spot. . . . What, will these hands ne’er be clean? . . . Here’s the smell of the blood still : all the perfumes of Arabia will not sweeten this hand.” But, at any rate, have the decency to “Wash your hands ;” a process which, under all the circumstances, many will find hard to accomplish.

The truth is that it is not convenient for the real foundation of this dread famine to be inquired into. It is high time that foundation was laid bare, seen in all its deformity, appreciated in its full significance, and diligently re-laid so that the like monstrous edifice of wrong shall never be erected on it again. So far as the productiveness of Ireland is concerned, and the legitimate subsistence of her people thereon, that period was not one of famine at all. It was simply a failure of half the potato crop. In all other respects, the crops were superabundant; much more than enough to feed the population to repletion. But that superabundance, the growth of their own country, the produce of their own cultivation, the legitimate reward of their labour, was snatched from their hands. When it was discovered that the potatoes were rotting, though the government affected to doubt the extent of the evil, and wasted time in idle inquiries, the landlords were everywhere on the alert. From their point of view, they were disposed to over-estimate rather than under-rate the probable consequences. They were sensible of the fact that the short supply of potatoes would induce the tenants to cling to their other produce for subsistence, and, as a consequence, that they would seek to defer payment of the rent that could not be paid without selling that produce. A panic seized the landlords and their agents. Fearing, that if they waited, they might get no rent at all, they insisted upon payment earlier than usual, and, there being no other resource, distress and seizure for rent became almost universal. The bailiffs were down upon the tenants' crops even before they could get them stacked. The consequent glut of the markets for the moment compelled even the most prosperous farmers to sell at great disadvantage, whenever they needed a little ready money. Vast quantities of produce, being put up to auction simultaneously, fetched only nominal prices, barely paying the rents, and leaving the tenants despoiled and destitute. The purchasers—speculating dealers who were thriving upon the misery of others—knowing they could get better prices in England than elsewhere, shipped off everything to that country in immense quantities. It is needless to cite minute details to prove this, as the aggregate

records leave no room for doubt about it. In 1845, mockingly called the first famine year, the exports of produce from Ireland to England were unprecedented. The recorded quantity of grain so transferred was three and a half millions of quarters, besides millions unrecorded. The recorded imports from Ireland into Liverpool alone amounted to *six millions of pounds sterling!* This is declared to be at least a million short of the truth, upon the authority of M'Culloch, who was not an Irishman, and whose proclivities were all in favour of landlord right. Bristol figures for another million or more. Every little port on the west coast of England and Wales took its full share of the spoil; for, in the panic that prevailed, the markets at the Irish ports were glutted with produce which the owners were anxious to sell, and shippers willing to buy, as the prices at the same time were rising in England. These low prices in the Irish ports seem to have deceived the Government, for one of the reasons they urged for doubting the extent of the famine was that it had not affected the Irish markets. Of the imports of Irish produce into London there is no attempt at systematic record, but it is incidentally mentioned in reference to the business at Mark Lane alone that the receipts of corn from Ireland were at the rate of thousands of quarters per week. To this, cattle have to be added in immense numbers. The lowest computation of the value of Irish produce (the legitimate food of the Irish people) exported to England in 1845 was seventeen millions, and, as all Irish harvests but potatoes were plentiful in 1846, the exports of the two years cannot have been less than thirty millions' worth, a surplus amply sufficient to supply all wants and immeasurably exceeding all the relief lent or given. Thus, the famine did not arise out of natural causes, but out of the so called "economical" complications forced upon Ireland by the Union, whereby the food of the Irish was filched from them under false pretences, and conveyed out of their own country to feed the English, amongst whom, if anywhere, population had indeed overtaken the means of subsistence.

The universal demand throughout Ireland, of everybody but the speculating dealers, was to prevent the exports. This proposal was

repeatedly urged upon the Government; but Peel, just then, was smitten with a craze. After sustaining the corn laws for many years, he suddenly resolved to abandon them. He resigned office on arriving at the resolve, but he adopted that course so suddenly that no one was prepared to form a ministry, and Peel immediately resumed, or rather continued the office he had previously held, not having actually left it at all. This was in December, 1845, and the change in his views was then made known. There was talk of "opening the ports" of Ireland to let food *in*; what was wanted was the *closing* of those ports to prevent the food from getting *out*. O'Connell and all the popular party constantly advocated that policy. Had they had a separate Parliament they would undoubtedly have closed their ports. The result would have been an abundance of food for the whole people, at low prices. The result of the policy that prevailed was to render food extremely scarce at very high prices. The merchants of London, who had been enriching themselves for months by "buying in the cheapest market [Ireland] and selling in the dearest [England]," when they found Ireland had no more to sell, and that their game was up, went in a deputation to Peel, and begged of him to open the ports—to enact free trade—for the benefit of the poor Irish, whom they had denuded. Tender-hearted merchants, how very sorry they must have been—but not for the poor Irish—for themselves! For they had run out of Ireland all the food they could get from those shores, and, having thus created a new market there, they sought to run in as much as they could from elsewhere, and so to make another profit. These same merchants, who were so sorry, immediately afterwards turned the famine to still better account. They managed to buy maize in New York at three shillings per bushel and to sell it in Ireland at nine shillings, duty free; that enormous price being obtained in consequence of the scarcity which the exports thence had previously produced. As Peel's craze was that "buy in the cheapest and sell in the dearest market" is the sum of all moral obligations, he did his best to play into their hands, but he was not quite equal to the occasion. He had, in 1842, made the sliding scale

for import duty upon wheat to vary from 20s. to 1s. Now he made it from 10s. to 4s. with the proviso that it should be uniformly one shilling after 1849. The popular impression in England was that this was done at the time mainly for the relief of Ireland. There never was a greater delusion. The alteration of the sliding scale made little or no difference to the price to the consumer, and, as the shilling duty did not begin till 1849, when the famine was nearly over, that could not have been much mitigation. This is no place in which to discuss the free trade question generally, but, apart from all other considerations, it is evidently preposterous to suppose that the admission of agricultural produce free of taxes can be any benefit to the Irish who have to rely almost entirely upon raising and selling agricultural productions.

By the Corn Act of 1842 all kinds of grain were made liable to a sliding scale, and maize, or Indian corn, was expressly mentioned in the schedule as liable to the same rate of duty as barley, as it had been previously. But the Act of 1846, while retaining a sliding scale of duty for all other corn, exempted maize. This was done, not by an *express* exemption, but by the total omission of maize from the schedule, in the place where it appeared in 1842. Whether this omission was a blunder, or done designedly, it had the effect of immediately freeing maize from duty which was retained upon all other corn. It was for this reason that some corners of Ireland were deluged with maize in exchange for the better food that had been shipped off to England. There is no doubt that the deficiency in stamina which is characteristic of maize, was an aggravation of the famine, and that it has caused many evils since.

For the most part, the appalling severity of the famine (created by exports to England) deprived most of the Irish people of all spirit for resistance of any kind ; so there was no increase, but rather a diminution of the kind of outrages for which Ireland has long been so notorious. But, as hundreds and thousands of famishing creatures perambulated the country, and often collecting in crowds, committed various acts of mob violence which resulted in many injuries to pro-

perty and some deaths, these events gave some colour of excuse for the Coercion Bill, of which there was a forecast in the Queen's speech. The bill was delayed in consequence of the warmth and length of the debates on the Corn Laws, and the day named for its second reading was not reached till the 25th of June. It provokes comparison with events of 1881, because it was called "The Protection of life (Ireland) Bill," and was professedly put forward, not for coercion but protection. Certainly, there was more need of protection of life then than in 1881, but the state of parties was different. The Whig opposition were hungering for office. Peel's anti-corn-law policy had exasperated his nominal party. The result was that the second reading was rejected by 292 to 219, and, with the exemplary majority of 73 against him, he had no option but to resign. The division, though ostensibly upon the Coercion Bill, was really a vote of want of confidence in Peel. It ended his political career. The merchants of London, who had assisted in creating the famine, and had made their account out of it and out of Peel, erected a monument to him, which has appropriately obstructed the west end of Cheapside ever since. *Punch* has pungently remarked no one ever gets a monument who deserves one. The remark forcibly applies to Peel. The monument remains, but Peel's reputation as a statesman finally collapsed on the 25th of June, 1846, and Ireland was, to that extent, avenged. His death, on the 2nd of July, 1851, having resulted from being thrown from his horse, awakened universal sympathy, but as that time recedes further back into bygone history, everything that can be said in his praise gets more and more obscured by the foggy parts of his character, ever getting blacker as the distance increases. Interested persons may still attempt to clear away the fog. They had better let it alone. The more it is stirred, the worse it will look.

With the resignation of Sir Robert Peel, for the last time, the first ministry of Lord John Russell came in. It was another remark of *Punch* that John was not big enough for the place. So far as Ireland was concerned, the remark fitted well, for the famine went on, being left to run its course after the manner of a specific disease.

Throughout that period the Irish were the victims, not of nature's vicissitudes, but of their fatal association with a dominant and domineering government, which was alike ignorant and indifferent concerning the real facts and the true remedies. Statesmen of both parties esteemed the maintenance of their official dignity of more account than the starvation to death of an eighth of an entire nation—not for want of the willing labours of the population—not for lack of Ireland's fertility, but because the whole country was given over by the Government to merciless bands of legalized marauders—dignified by the name of merchants—who thus created what was called the great famine.

When the recording angels of posterity have completed the history of that so-called famine—its occurrence and consequences—it will go hard with those statesmen and merchants in that day of judgment.

CHAPTER XXXIX.

YOUNG IRELAND—O'BRIEN'S DEFIANCE OF PARLIAMENT—
HIS IMPRISONMENT FOR CONTEMPT—HIS GREAT
SPEECH—PANIC LEGISLATION—O'BRIEN'S INSURREC-
TION, TRIAL, SENTENCE, AND DEATH.

O'CONNELL'S efforts, after his imprisonment and release, and during the early part of the famine until his death, were, though persistent, of the feeblest and most inconsequential character. As his brain softened more and more, he daily became less Irish and more Catholic. Apparently conscious of his feebleness, he became jealous of the rivalry of younger men. This caused a split in the repeal camp, and led to the recognition of the party known as "Young Ireland." The chief man of the party was William Smith O'Brien, brother to Sir Lucius O'Brien, Bart., a gentleman of the first family in Munster. He was a Protestant, and a man of education, family, and fortune. His most prominent associates were John Mitchel, the son of a Unitarian minister of Ulster, said to be a man of education and ability, and editor of *The United Irishman*; Mr. Meagher, a gentleman of the north of Ireland; and Charles Gavan Duffy, the editor of *The Nation*, was also prominently involved.

The members of this party were bent upon carrying forward the repeal movement, free from sectarian jealousies; at the same time they had arrived at the conviction that the Union Parliament was impervious to peaceful demonstrations, and their tendencies were in the direction of resorting to physical force. O'Connell, in addition to becoming more Catholic, had always advocated the avoidance of physical force, and he openly denounced "Young Ireland" in Conciliation

Hall. This caused hesitation in the ranks of supporters and the withdrawal of O'Brien and the Young Ireland party from connection with O'Connell, but some elements of unity still remained amongst the Repealers. O'Connell and William Smith O'Brien, though opposed on many points, were agreed in showing their contempt of Parliament by declining to attend early in the session of 1846. They were summoned and implored to appear, but they replied that they were attending to more important business. Eventually they appeared in their places on the 13th of March, and were immediately named upon railway committees. O'Brien, on being notified of his appointment, wrote to the chairman of the Committee of Selection, saying that as long as he continued to believe that he could serve Ireland effectually in the House of Commons, he shrank from none of the labours which were connected with the various functions of that assembly ; but, desiring that none but the representatives of the Irish nation should legislate for Ireland, he had no wish to intermeddle with the affairs of England or Scotland, except in so far as they might be connected with the interests of Ireland, or with the general policy of the empire. He said that, in obedience to that principle, he had abstained from voting on English and Scotch questions of a local nature ; and the same motive now induced him to decline attendance on committees on any private bill, except such as related to Ireland. The chairman replied that the committee would regulate their proceedings so as to make his attendance as little inconvenient to himself as possible, but he answered that he felt exceedingly indebted for the courtesy and consideration evinced, but, since his objection to serve upon committees on English and Scotch private bills was founded upon the relations at present subsisting between his country and Great Britain, and not upon a regard for his own personal convenience, he referred to his former communication as announcing his final determination.

A former letter of O'Brien's was referred to, in which he wrote, "Experience and observation at length forced upon my mind the conviction that the British Parliament is incompetent, through want of knowledge, if not through want of inclination, to legislate wisely for Ireland, and

that our national interests can be protected and fostered only through the instrumentality of an Irish legislature."

This was the most distinct practical protest against the legislative Union that had ever been made in Parliament, and it was brought before the House of Commons on the 28th of April, when it was moved "That W. S. O'Brien, Esq., having disobeyed the order of the House, by refusing to attend the committee to which the railway group, No. 11, has been referred, has been guilty of a contempt of this House." This was carried by 133 to 13. It was then moved that he should be committed to the custody of the Serjeant-at-Arms, which, after an adjourned debate, was carried without a division. On the 30th of April, the Serjeant-at-Arms reported that he had taken Mr. William Smith O'Brien into custody. There was no clock-tower chamber then, and he was imprisoned in a cellar under the House. From thence he wrote to Mr. Roche, saying, "Suffering from the injustice of the British House of Commons, I expect nothing from its generosity. I shall make no further appeal to the House. Yesterday, I was extremely anxious to have been allowed to speak on my own behalf before my committal to prison as a culprit. I shall not again condescend to solicit even this trifling favour. I beg most anxiously and earnestly to request you to inform the House that I am no party to any motion for my discharge." Notwithstanding this defiant attitude, he was discharged on May the 26th.

These events made the rupture in the repeal ranks complete. Large numbers of repealers denounced O'Connell for not refusing to serve on the committee which O'Brien refused to serve on, and, finding that O'Connell was exasperated by the opposition to him, the Whigs opened negotiations with him, and he evinced a conciliatory spirit that eventually altered official views of him considerably. Previously, he had been regarded and spoken of as a vulgar ruffian, by persons in office who have since referred to him as an estimable gentleman. Many of O'Connell's adherents were rewarded by government patronage, and their mouths being thus closed, the Repeal Association was finally broken up, and O'Connell soon afterwards died as previously described.

O'Brien and his friends formed a confederation of clubs, and thus resumed the agitation for repeal, with greater determination than ever. During 1847, the consequent effect was considerable. Early in 1848, the Russell government introduced a coercion bill.

The Bill was instituted "for the better prevention of crime and outrage in certain parts of Ireland, until the first day of December, 1849, and to the end of the then next session of Parliament." It provided as usual for proclaimed districts, and against the carrying of arms therein except by privileged or licensed persons, as previously described." The second reading passed by 289 to 271. Up to that time O'Brien had not appeared, but on the third reading he made a long speech of protest, containing a reference to a remarkable parallel passage of legislative controversy. Referring to a promised land bill, he said a comprehensive measure of that nature was the only guarantee for the peace of Ireland, and this coercion bill was only a guarantee for increased outrage, yet the government persisted in pushing it through the House without giving the slightest intimation of the nature of the Landlord and Tenant Bill which they professed to have under consideration. The bill reached the royal assent on the 20th of December.

In defiance of great demonstrations of military force in Dublin, and swarms of constables and detectives, a public meeting was held there by the O'Brien party, at which an address was voted, congratulating the victorious French people on the revolution that had just occurred in France. A few days afterwards, O'Brien, Meagher, and Mitchel were waited on by a police magistrate, and requested to give bail that they would stand their trial on a charge of sedition. Bail being accordingly given, O'Brien and Meagher went to France, and presented the address to the Provisional Government in Paris.

On the 7th of the following April, there was introduced a bill into the English Parliament, which, though actually directed against Ireland, did not appear so on the face of it. It was intituled "for the better security of the Crown and Government of the United Kingdom, "otherwise known as "The Treason-felony Act." It con-

tained the following original and extraordinary provisions, "That if any person within any part of the United Kingdom, in order to force, constrain or compel Her Most Gracious Majesty the Queen, her heirs or successors, to change her or their measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe both Houses, or either House of Parliament, or to move or stir any foreigner or stranger with force to invade the United Kingdom or any other of her Majesty's dominions or countries under the obeisance of her Majesty, her heirs, or successors, and such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter, or declare, by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, every person so offending shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour, as the court shall direct."

It is a significant fact, when compared with later events, that this bill was introduced by the Whigs—warmly supported by the Tories, who turned out Peel rather than indulge in the luxury of a Coercion Act—and not generally opposed by the party at that time calling itself "Liberal."

O'Brien, being absent in Paris, was not present on the introduction of the bill, but, on the 10th of April, which was put down for the second reading, he entered the House suddenly enough to make a buzz of sensation. It was the evening of the day upon which the great Chartist Demonstration took place at Kennington Common, whence a procession marched to present the gigantic petition that had been prepared. The petition having been duly presented earlier in the sitting, the time for the Treason-Felony Act arrived.

The succeeding speech of O'Brien is one of the best statements extant of the case of Ireland from the Irish point of view then and ever since.

Immediately after Sir George Grey had moved the second reading, O'Brien rose and energetically said, "I do not rise, sir, for the purpose of entering at length into the details of this bill. I care very little about those details. I see in this measure a new attempt to meet the claims of Ireland by coercion rather than by conciliation. The people will laugh at your attempt to indict a nation. In the year 1842, before I joined the Repeal Association, I felt it my duty to make a last appeal in this House, asking from them what was then called 'justice to Ireland'—that is, a series of measures calculated to give satisfaction to the Irish people consistent with the maintenance of the Union between the two countries. You refused that appeal—an appeal not only made by so humble an individual as myself, but by a very considerable portion of the nation of which I am one of the representatives. You have now one other opportunity of meeting the demands of that nation by yielding to their claims for a separate legislature—for the principle of self-government, as under the ancient constitution of Ireland, by Queen, Lords, and Commons. In my absence, charges have been brought against me. I should have liked them to be made here to-night. I have been called a traitor. I do not profess disloyalty to the Queen of England. But if it is treason to profess disloyalty to this House, and to the government of Ireland by the Parliament of Great Britain—if that be treason, I avow the treason. Nay, more, I say it shall be the study of my life to overthrow the dominion of this Parliament over Ireland. It has been stated I went to France for the purpose of enlisting French aid—that is to say, armed aid. That is a misapprehension. If I had gone to France asking for aid of an armed kind, believe me, I should have come back accompanied by a tolerably large legion of troops. You may believe what I say. I only wish you had been in France. The language I have held in Ireland and in France to my countrymen, has been this—that Irish freedom must be won by Irish courage, and by Irish firmness. I have no desire to impose upon my country one description of servitude for another ; for I believe that the liberty of Ireland and its redemption from its present position, were they won by foreign bayonets, could

not be retained in its possession by foreign bayonets ; and, therefore, it is not my desire, or my intention, to place my country under foreign dominion. I did find, on the part of the French people, a great amount of intense sympathy with Ireland ; and I may add, that I do not believe that sympathy is confined to France alone, but that every nation in the world, every enlightened man, every statesman on the civilized globe, partakes in it, and looks upon Ireland as we look upon Poland, and upon your connection with Ireland as entirely analogous to that of Russia with Poland. Sir, I will not reject the sympathy of other nations ; but at the same time I am happy to think that there is amongst the middle and humbler classes of this country a large amount of sympathy with Ireland—that there is amongst them an anxious desire that they should obtain that power of legislation which they wish ; and it gives me great satisfaction to think that amongst the chartists, from five millions of whom there has been a petition presented this evening, there is scarce an individual who does not sympathize with the cause of Ireland. Now, I avow the fact—I know not whether it be illegal or not—that I have been instrumental in asking my countrymen to arm. I conceive that, under the present circumstances of nations, it is the duty of every man to obtain the possession, and to learn the use of arms. There is not a nation, I believe, in Europe, which does not make it part of its duty to instruct its citizens in the use of arms ; and I conceive that it is the peculiar duty of the Irish people to obtain the possession of arms at a time when you tell them you are prepared to crush their expression of opinion, not by argument, but by brute force. I ask them to arm now for the preservation of order, as well as for the purpose of acquiring their liberties ; and, as I think it right that there should be no mistake as to the opinions and sentiments and intentions of the body with whom I act, I will read a resolution which was passed at the last meeting of the Irish Confederation.”

The resolution was as follows :—“Resolved—That we hereby repudiate, as a gross calumny, the imputation thrown out upon us by

Lord John Russell that the object of this confederation is social disorder, and a violent separation from Great Britain ; and we hereby declare that our object is now, as it always was, the legislative independence of Ireland, and thereby the attainment of social order ; and we desire that such independence may be obtained, if possible, without civil war."

O'Brien continued, "We have also, acting on the suggestion of the late illustrious leader of the Irish people [O'Connell], recommended our countrymen to send to the metropolis of Ireland a national council, to be composed of three hundred individuals ; and I trust that, before long, that national council will be established in Dublin. With all deference to the Irish members in this House we do feel that there is no exponent of the Irish nation, and of the opinion of the country, one in one hundred of whom is only represented in this House. We are, therefore, prepared to call upon the people of Ireland to send to Dublin such a board ; and with that body I would recommend the noble lord to enter into early and earnest negotiations for the purpose of effecting an amicable settlement of the question now at issue between the two countries."

This speech created a tremendous tumult in the House, which had previously been excited by the great event of the day, and at this portion of the speech it burst forth with increasing violence. An eye-witness has described the opposition as "a chorus of frantic and obscene outcries" and "horrible yells."

To these O'Brien replied, "I was quite prepared when I came here to experience the insulting sneers that I have met ; yet, sirs, I can tell you that this is not a subject for sneering or levity. If we should unfortunately lend ourselves to the designs of the Government, and be led into overt acts of violence, I believe that in such a case we shall have at least the emancipation of our country postponed ; but is the noble lord prepared to govern Ireland not by satisfying the demands of the people, but by a system of detective police—by employing men that would instigate others to crime for the purpose of betraying them. The noble lord relies upon packed juries. If he gets a fair jury it is

impossible to obtain a verdict. He little knows the spirit that prevails in Ireland, if he does not know that for every man he prosecutes he brings out fifty, a hundred, ay, a thousand men, who consider that so far from being disgraced by being convicted for serving their country, they would gladly suffer any consequences in such a cause. The Government relies upon the police force. Now that force is ten thousand strong, and is a remarkably fine body of men, but it is entirely national ; they are taken from the people, and though they are excellent preservers of order, and though I hope they will preserve order—I honour them for the attempt—yet if we were ever led to a great national strife between nation and nation, the policemen would be glad to obtain honours and renown if they acted as the saviours of the country. Now, sir, I have used no reserve on the present occasion, in the commencement of these observations, and I shall use none at their conclusion. When the noble lord tells me I am a traitor to the Crown, I repel the charge, and retort it. If he plays towards this Government the part of Guizot and Metternich in their respective countries, then I tell him, it is not I, but he and his colleagues, who are traitors to the country, the Queen and the constitution.”

Of course O'Brien might as well have spoken to a tornado. The second reading was carried by 452 to 35. Amongst the names of the minority are those of John Bright, W. J. Fox, Joseph Hume, G. F. Muntz, and Sir Joshua Walmsley. There has been a falling off somewhere since then. There were giants in those days. Where are they now ?

Apart from that minority the Government and the House were evidently in a disgraceful panic—perfectly beside themselves with fears concerning the French Revolution of February, the Chartists, and the Repealers. During the same session there had already been passed the Crime and Outrage Act. The Crown and Government Security Act was rushed through all its remaining stages by the 22nd of April ; and that was not enough. The panic legislation afterwards included an Act to authorize “the Removal of Aliens from the Realm ;” the Suspension of Habeas Corpus on the 25th of July ; and two Unlawful Oaths Acts ; making six Coercion Acts in one session.

The general spirit of this kind of legislation may be gathered from one of the Acts which provides "That if information upon oath shall be given to any justice of the peace in Ireland, that there is cause for believing that any society or societies is or are about to be held, or that any persons are met or assembled, or are about to meet or assemble, for treasonable or seditious purposes or objects, or for the discussion of treasonable or seditious purposes or objects, in any house, room, building, or any other place whatsoever, it shall be lawful for such justice to issue his warrant to any county-inspector, sub-inspector, or head constable, authorizing him, and empowering him, to enter any such house, room, building or other place, and to stay or remain in such house, room, building, or other place, for so long a time as such county inspector, sub-inspector, or head constable may think fit, and to seize all books, papers, and writings which shall appear to such county inspector, sub-inspector, or head constable to be or to afford evidence of the holding of or of the existence of any such society or societies, or of any treasonable or seditious purposes or objects, and all arms and ammunition of every description whatever that may be found in such house, room, building, or other place, and to search all parts of such house, room, building, or other place for the purpose of discovering the same. And thereupon it shall be lawful for such county inspector, sub-inspector, or head constable, with such constables and other persons as he shall deem necessary for that purpose, to enter such house, room, building, or other place, and, if need be, to use force for that purpose, whether by breaking open doors or otherwise, and to remain with such constables and other persons and aforesaid, in such house, room, building, or other place for so long a time as such county inspector, sub-inspector, or head constable shall think fit, and to seize all such books, papers and writings, and all arms and ammunition of every description whatsoever that may be found in such house, room, building or other place, for the purpose of discovering the same."

Legislation of such a character seems so incredible that it is difficult to convey an adequate idea of it to the average mind of the English people, who coolly stand by and allow this kind of thing to be done,

and too often applaud it when it is done. But if the average Englishman will bear in mind that all this power is obtainable upon evidence of mere "cause for believing;" and what that must mean in the contemplation of a policeman who is bent upon getting himself distinguished for promotion as "an active and intelligent officer;" and if such Englishman will reflect that, if he were living in Ireland, and happened to have a friend or two visiting him, who did not happen to be known to the police, his door might be smashed in at midnight, and his house forcibly entered, his room or rooms vigorously searched; his little library tumbled about; his desk ransacked; his wife compelled to rise (though only confined the same morning) that the bedding might be searched; his children taken from their cots with a like object; his dwelling rendered almost uninhabitable for an indefinite time; and his house converted into a plague spot for the rest of his life; if such Englishman will consider that events nearly approaching or equal to what we have sketched have happened hundreds and thousands of times under cover of such legislation—legalised outrages upon multitudes of innocent people—he will scarcely feel surprised at the wide-spread and deep exasperation that now and then bursts out into acts of fearful revenge.

In 1848, as before and since, the six Coercion Acts were supplemented by additional powers to the Irish constabulary, and an Act for straining the powers of the Irish Criminal Law. This was what we had come to, in the way of pacification, as a result of Union legislation for forty-eight years. This is what some people seem to like to call "the integrity of the empire." There were some other forms of integrity in the remaining legislation of the session. The promised amendment of the law of landlord and tenant consisted of conferring upon landlords additional powers of recovery and possession, and further facilities for harrying tenants with what the Irish law ironically calls "civil bills." This harrying was further aggravated by new powers concerning the detestable tithe rent-charge.

As a consequence of these and other forms of reckless ruin for tenants, and the wild evictions resulting, the number of destitute

persons increased by hundreds and thousands, so that an Act had to be passed "for the Protection and Relief of the Destitute Poor evicted from their dwellings in Ireland." What a fearfully damaging admission of the frightful state of affairs brought about by Union legislation. To this was added another of those instructive Acts authorizing loans to enable landlords to raise their rents at the public expense. Then there was another Fever Act, in acknowledgment that that form of disease was still raging dangerously, and "An Act for rendering valid certain proceedings for the relief of distress in Ireland." Thus, the famine being over, the fever remained ; and, at last, when too late, it was discovered that the previous Relief Acts had not been "valid." There had been no blundering on that vital subject ; to say so, soon after the passing of the Crown and Government Security Act, would have been "treason-felony," but the Acts, as long as it was possible they could be worth anything, were not "valid." Involuntary confession of the United legislators ! Scornful critics of the incapacity of Irishmen to govern their own affairs ! We shall have occasion, presently, to inquire as to the validity of a very boasted Act of the same session, "to facilitate the Sale of Incumbered Estates in Ireland," together with its satellite, "to facilitate the Transfer of Landed Property in Ireland."

Soon after O'Brien's last speech in Parliament, he and Meagher were put upon their trial on the charge of sedition. Two juries refused to convict, and the charge had to be abandoned. This defeat of the government was celebrated by bonfires throughout the country. Mitchel was then indicted for treason-felony in the *United Irishman*. Two juries were palpably packed, and he was convicted. Being sentenced to fourteen years' transportation, he was the same day taken in chains on board an armed steam vessel, and carried off. He eventually made his escape to America.

The answer of the repeal party was the issue of a new journal called *The Irish Tribune*, edited by O'Dogherty and Williams, and another called *The Felon*, edited by John Martin. Soon afterwards the whole country was in a ferment. O'Brien completely lost his head. Finding

himself supported by two or three thousand men, variously armed, near Enniscorthy, he made an insane attack upon a cottage containing a body of armed police. Absurd barricades were also erected, and similar follies were revelled in for a few hours. O'Brien's party fired first upon the police ; the volley in reply killed several of the attacking party. A reinforcement of police arrived, and the mob dispersed, O'Brien ignominiously taking to flight. The case was even worse than Emmet's. It was the most contemptible pretence of insurrection ever witnessed, and has been called the battle of the cabbage garden. The details are embodied in the succeeding indictment, which, with the sentence, is a valuable contribution to the history of the period.

O'Brien was arrested at Thurles railway station, and, on the 8th of August, in the House of Commons, the speaker, on taking the chair, said : " I have to inform the House that I have received a letter from the Lord Lieutenant of Ireland, dated the 6th of August." The letter was then read by the speaker, " Sir—It is my painful duty to inform you, that Mr. William Smith O'Brien, a member of the House of Commons, was yesterday arrested at Thurles on a charge of treason, and is now in the jail of Kilmainham.—I have the honour to be, &c., CLARENDON."

On the 21st of September, 1848, there were indicted at Clonmel, "William Smith O'Brien, late of Cahirmoyle, in the county of Limerick, Esquire ; Terence Bellew MacManus, late of Liverpool, in that part of the United Kingdom called England, gentleman ; James Orchard, late of Killemanle, in the county of Tipperary, labourer ; Denis Tyne, late of Crohill, in the said county of Tipperary, labourer ; and Patrick O'Donnell, late of Ballingarry, in the said county of Tipperary, yeoman, being subjects of our said Lady the Queen, not having the fear of God in their hearts, nor weighing the duty of their allegiance, but being moved and seduced by the instigation of the devil, as false traitors against our said Lady the Queen, and wholly withdrawing the love, obedience, fidelity, and allegiance, which every true and lawful subject of our said Lady the Queen, should, and of right ought to bear towards our said Lady the Queen, on the seventeenth day of July, in

the twelfth year of the reign of our Sovereign Lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith, and soforth, and on divers other days between that day and on the thirtieth day of the said month of July, with force and arms, at the parish of Ballingarry, in the said county of Tipperary, together with a great number of false traitors, whose names are to the said jurors unknown, to the number of five hundred and more, arrayed and armed in a warlike manner, that is to say, with guns, pistols, pikes, clubs, bludgeons, and other weapons, being then and there unlawfully, maliciously, and traitorously assembled and gathered together against our said Lady the Queen, did then and there wickedly, maliciously, and traitorously levy and make war against our said Lady the Queen within this realm, and being so assembled together, arrayed and armed against our said Lady the Queen aforesaid, did then and there, with great force and violence, parade and march in a hostile manner in and through divers villages, towns, places, and public highways, to wit in the said parish of Ballingarry, in the county of Tipperary aforesaid, and did then and there erect certain obstructions composed of cars, carts, pieces of timber and other materials, erected and built to a great height, that is to say, to the height of five feet and upwards, upon and across the said highways, to obstruct and prevent the marching of the soldiers of our said Lady the Queen within this realm, and did then and there make a warlike attack upon and fire at a large body of constables, then and there lawfully being upon their duty as such constables, and did then and there, with force and violence, endeavour to compel the said constables to join them in levying and raising public insurrection, rebellion, and war, against our said Lady the Queen within this realm, and did then and there make a warlike attack upon a certain dwelling-house situate at Farrinrory, in the said parish of Ballingarry, in the county of Tipperary aforesaid, and did then and there fire upon a large body of constables, that is to say, forty constables therein assembled, and did then and there maliciously and traitorously attempt and endeavour, by force and arms, to subvert and destroy the government and constitution of this realm, as

by law established, in contempt of our said Lady the Queen and her laws, to the evil example of all others, contrary to the duty of the allegiance of them the said [names of the accused], against the form of the statute in such case made and provided, and against the peace of our said Lady the Queen, her crown and dignity."

There were five other counts much to the same effect, the most remarkable fact being the omission throughout of any reference to loss of life or danger to life. The trial lasted thirteen days. On the thirteenth day the jury retired at a quarter past three, and returned at half-past five. On the question being put, "Is William Smith O'Brien guilty or not guilty?" the reply was "Guilty," but "We earnestly recommend the prisoner to the merciful consideration of the government, being unanimously of opinion that, for many reasons, his life should be spared."

Sentence was deferred until next day, when a motion in arrest of judgment was rejected. On being asked what he had to say why the sentence of the law should not be passed upon him, O'Brien replied: "My lords, it is not my intention to enter into any vindication of my conduct, however much I might have desired to avail myself of this opportunity of doing so. I am perfectly satisfied with the consciousness that I have performed my duty to my country; that I have done only that which, in my opinion, it was the duty of every Irishman to have done; and I am prepared now to abide the consequences of having done my duty to my native land. Proceed with your sentence."

The sentence was, "That you, William Smith O'Brien, be taken from hence to the place from whence you came, and be thence drawn on a hurdle to the place of execution, and be there hung by the neck until you be dead, and that afterwards your head shall be severed from your body, and your body divided into four quarters, to be disposed of as Her Majesty shall think fit. And may the God of mercy have mercy upon your soul." [This was in 1848!]

A like verdict was pronounced, and sentence passed, upon each of the prisoners.

Proceedings under a writ of error were immediately instituted in the Court of Queen's Bench, Dublin, but the convictions were there confirmed. An appeal to the House of Lords resulted in confirmation of the decision of the Queen's Bench. While these appeals were going on, the government decided to commute the sentence to transportation for life. The prisoners all refused the alternative, and demanded to be executed. As there was no specific power in the government to transport, an Act was passed in the next session authorising the transportation. As soon as it was passed the whole of the prisoners were shipped to Van Diemen's Land, as ordinary convicts.

O'Doherty and Martin, who had, under the Crown and Government Security Act, been sentenced to ten years' transportation, were sent to the same penal station in another vessel about the same time.

Duffy was brought to trial on the like charge as Meagher, O'Doherty and Martin had been, but the jury did not agree. He was detained and tried a second time, and again the jury did not agree. He was kept in prison for some time longer, and then released, the government having replied to a petition in his favour by abandoning the prosecution. He soon afterwards went to Australia, and eventually became premier of the colony of Victoria, and received the title of Sir Charles Gavan Duffy.

A free pardon was accorded to O'Brien in 1856. He travelled for some time before returning to Ireland. He died at Bangor on the 18th of June, 1864. He had been guilty of the folly he had himself deprecated, and, as he said in his speech, the emancipation of his country was thereby postponed.

CHAPTER XL.

THE INCUMBERED ESTATES ACT.

ONE of the chief points insisted upon by the Devon Commission was the helplessness of nominal owners of incumbered estates that is, estates that were entailed or otherwise settled, so that they could not be sold, but upon which mortgages were in force, swallowing up the whole or a large part of the rent, and leaving the nominal owners in straitened circumstances or almost destitute. The Commission very strongly reported in favour of special legislation to afford relief in such circumstances. It is worthy of considerate observation that this incumbrance of estates was a landlord's trouble ; and, when we consider the extremely great reluctance that has been exhibited when any relief of tenants has been proposed, it cannot be overlooked that this proposal to relieve the landlords was taken up with comparative promptitude. Indeed, when the facts come to be considered, nearly all the so-called remedial legislation for Ireland has been for the benefit of the landlords—most of it directly and solely, and all the rest of it indirectly.

From this point of view, the original "Act to facilitate the sale of incumbered estates in Ireland," was passed in 1848, notwithstanding all the other absorbing subjects of the time, that might have conveniently served as excuses for postponement, had the relief of tenants been the object in view.

The word "incumbrance," is defined in the Act as meaning "any legal or equitable mortgage in fee, or for any less estate, and also any money secured by a trust, or by judgment, decree, or order of any superior court of law or equity duly registered, and also any legacy

portion, lien, or other charge, whereby a gross sum of money is secured to be paid on an event or at a time certain, and also any annual charge which, by the instrument creating the same, or by any other instrument, is made re-purchaseable on payment of a gross sum of money."

An incumbrancer is described as "any person entitled to such incumbrance, or entitled to require the payment or discharge thereof."

The word "owner," as applied to any land, is interpreted as including "any person entitled in possession in fee simple or in tail or quasi in tail, and any person entitled in possession for a life or lives, or for a term of years determinable on the dropping of any life or lives, or for a term of years of which not less than ninety-nine years are unexpired, not being a lessee at a rent, and also any person entitled in possession as tenant by the courtesy, whether at law or in equity, and any person entitled in possession to the equity of redemption on the property subject to the incumbrance, or to a trust for the payment of an incumbrance, in any land, whether in fee or for any lesser estate as aforesaid, and any feoffees or trustees for charitable or other purposes entitled in possession."

Certainly, when the foregoing is read, it cannot fail to impress the reader with the extent of the muddle into which the Irish land laws had previously plunged the perplexed owners; and, as the United Parliament had, for forty-eight years, been letting the owners deeper and deeper into the mess, that United Parliament was evidently under an obligation to get them out of the mess. It is worthy of note that this Act and all subsequent Acts in the same connection, carefully limit the operation to "Ireland only."

The original Act relegated all public business under it to the Irish Court of Chancery, but so much had to be done that in the following year, 1849, an Act was passed which created a Landed Estates Court of three commissioners, for the sole purpose of controlling, directing, managing, and completing the various transactions.

Any owner of an incumbered estate is at liberty to sell, subject to certain notices, unless especially forbidden by the court, and any owner or incumbrancer is entitled to move the court to sanction the

disposal of an incumbered estate ; the court being empowered to sanction or refuse to sanction the proposed disposal, or to alter the proposal. The owner may elect to sell the whole of his estate, or only sufficient of it to clear the incumbrance, or so much as he may otherwise think fit, reserving as much as he thinks fit of any portion that remains unincumbered, for such continued or renewed settlement as may be agreed upon between him and the court.

The court has power to sanction any sale already contracted for, or to order such sales as it may sanction, and all moneys derived from such sales are required to be paid into court for disposal by the court, costs being expressly reserved as the first claim. The incumbrancer or incumbrancers come next ; and the owner takes the residue, if any. Throughout the proceedings all persons interested are entitled to appear in the case.

The court has the power of appointing surveyors to act as valuers, and no land can be sold for less than surveyors' value, without express sanction of the court. Any one incumbrancer of several is entitled to buy out all other incumbrancers, or to proceed alone for his own satisfaction, leaving the others to make their claims or objections.

When, in the discretion of the court, the residue of the proceeds of a sale is sufficient for such a purpose, the court has power to enforce the purchase of other land, and to decree it subject to the same settlements as the original estate was liable to ; so that the law is very far from emancipating land from settlements, as it rather tends to perpetuate the kind of limited ownership which the original Act was thought by some people to be destructive of.

The incumbrancer is not entitled to a sale if his annual claim is less than half the annual proceeds of the estate.

The court has power to make rules for regulating all proceedings, and has also power to invest money in the funds pending any decision or event.

The most important provisions are those which give all purchasers through the court a title more absolute than is usual ; and the title is generally indefeasible.

The value of the absolute titles to estates is a great consideration to purchasers, and has no doubt contributed very much to the furthering of transactions. The estates actually sold to the end of March, 1853, were 2,811 in number, and they had realised a grand aggregate total of nearly nine millions sterling, or £8,790,917. There were 3,428 purchasers ; 2,225 to amounts under £2,000 ; 709 under £5,000 ; 460 under £20,000 ; 26 over £20,000. Since 1853, the sales have so fallen off that the returns are scattered and uninteresting in amount, so much so that it has been in contemplation to abolish the Estates Court and transfer the business back to the Court of Chancery. The magnitude of the transactions, so far, may be judged of by comparing figures, which comparison discloses the fact that the sales have already reached about the amount of Griffith's estimate of the annual value of the land of all Ireland.

As a companion to the original Incumbered Estates Act there was passed in the same session of 1848 "An Act to facilitate the transfer of landed property in Ireland." It would be more correct to call it for the better registration of land, as it is directed almost exclusively to that end, and in no wise facilitates transfers other than inasmuch as it provides for registration of titles.

It provides especially for what are called negative searches by the Registrar of Deeds in Ireland, and that the results of such searches are to be kept in books with suitable indexes, which, it appears, were not considered necessary before. Power is given to any person, on payment of one shilling, to search the indexes and books, and, on payment of a further fee, any person is entitled to the copy of any entry.

Consistently with the practice in England, there is no provision for compulsory registration in any case by individuals ; the whole being voluntary and therefore incomplete.

These Acts, both of them, have no doubt contributed to the satisfaction of many incumbered owners, mortgagees, and purchasers, but those have never been the discontented classes of the country. How far they have affected tenants who have always been the discontented classes of Ireland, and in what directions those Acts have affected the tenants, may be profitably considered hereafter.

CHAPTER XLI.

A CHRONIC INTERVAL.—PREMIERSHIP AND DEATH OF LORD PALMERSTON.

THE Repeal Association and O'Connell were dead. The trial and conviction of O'Brien and the Young Irelanders finally crushed the Irish Confederation. All appearance of organized rebellion ceased. Order reigned. The government had acted with becoming vigour. Resistance was forcibly put down. Society was satisfied, and affected to believe that now these abominable leaders of sedition were got out of the way, Ireland would retire into contentment and obscurity.

For seventeen years, from 1849 to 1865, however much or little the contentment might be, events favoured the obscurity so far as the English public was concerned. The period was in great part taken up with the Crimean and American wars, together with the exciting and disturbing course of events in France. It was generally believed in England that acute sedition had ceased, and that a hopeful state of convalescence was entered upon. That was a popular delusion. The acute form of the disease had been reduced, but it was not convalescence, but a chronic state of smothered discontent that had set in. Of the causes and consequences of that chronic state there is now abundant evidence. During those seventeen years, order *reigned*, but, with a United Parliament, it seemed then, as before and since, that it was impossible for order to *govern*!

The harvests of 1848 and 1849 were abundant, and the potato disease only partially appeared. Irish productions had scarcely ever been more plentiful, but they did not feed the Irish people, who were almost as much in a state of famine as ever. The food that should

and would have amply fed them was being operated upon by the bailiffs who seized it ; by the jobbers who shipped it off at every tide ; by the merchants who were gambling with it in English corn and provision markets ; by the hucksters who were running up the prices, and hence making their account out of Ireland, in the English shops, where the deluded British workman was charged five, six, and eight-fold what the grower had ever been able to get for it.

The extermination by eviction that had set in, and had increased from 1829 until 1849, was resumed and continued during the next three or five years with more and more severity. The blessings of the Incumbered Estates Act were beginning to pour upon the Irish with a vengeance. A quantity of land equal in amount to the annual value of all Ireland had suddenly changed masters, and had most of it fallen into the hands of land-jobbers who knew no motive but their own immediate gain ; who had most of them bought it with the avowed intention of making their account by raising the rents or by introducing new forms of culture.

The evictions were most merciless and appalling. The *Quarterly Review* (not a tenants' advocate) said, in March, 1854, "The cabins of the peasantry are pulled down in such numbers as to give the appearance, throughout whole regions of the south and west, of a country devastated and desolated by the passage of a hostile army."

In the parish of Aughagower and its vicinity there were two hundred square miles, out of which every living soul, except a few herds, was banished without remorse by the Marquis of Sligo. An eviction machine of ropes and pullies was invented by Mr. Scully, a Tipperary landlord, for the speedier unroofing and demolition of homesteads, which supplemented bands of landlords' operators, who got to be called, "crowbar brigades."

Mr. Drew, a well-known Presbyterian minister, wrote, "I wish my lot had never been cast in rural places. As a clergyman I hear what neither landlords nor agents ever hear. I see the depression of the people ; their sighs and groans are before me. They are brought so low as often to praise and glorify those who, in their secret hearts, are

the objects of abhorrence. All this came out gradually before me. Nor did I feel as I ought to feel in their behalf until, in my own person and purse, I became the victim of a system of tyranny which cries from earth to heaven for relief."

Other authenticated accounts state that in one case "*seven hundred* human beings were driven from their homes on the same day, and set adrift on the world, to gratify the caprice of *one*, who, before God and man, probably deserved less consideration than the last and least of them. There was not a shilling of rent due on the estate at the time, except by one man."

The Crow-bar Brigade was employed on the occasion to extinguish the hearths and demolish the homes of honest, industrious men, and the brigade worked with a will at their awful calling from morning till evening. At length an incident occurred that varied the monotony of the grim, ghastly ruin which they were spreading all around. They stopped suddenly, and recoiled with terror from two dwellings which they were directed to destroy with the rest. They had just learned that a frightful typhus-fever held those houses in its grasp, and had already brought pestilence and death to its inmates. They, therefore, supplicated the agent to spare their houses a little longer; but the agent was inexorable, and insisted that the houses should come down.

The ingenuity with which he extricated himself from the difficulties of the situation, was alike characteristic of the heartlessness of the man, and of the cruel necessities of the work in which he was engaged. He ordered a large winnowing sheet to be secured over the beds in which the fever victims lay—fortunately they happened to be perfectly delirious at the time—and then directed the houses to be unroofed cautiously and slowly, "because," he said, "he very much disliked the bother and discomfort of a coroner's inquest."

A Catholic Bishop (Dr. Nulty, of Meath) adds, "I administered the last sacrament of the Church to four of these fever victims next day; and, save the winnowing sheet, there was not then a roof nearer to me than the canopy of heaven. The horrid scenes I then witnessed I must remember all my life long. The wailing of women—the screams,

the terror, the consternation of children—the speechless agony of honest, industrious men—wrung tears of grief from all who saw them. I saw the officers and men of a large police force, who were obliged to attend on the occasion, cry like children at beholding the cruel sufferings of the very people whom they would be obliged to butcher had they offered the least resistance. The heavy rains that usually attend the autumnal equinoxes descended in cold copious torrents throughout the night, and at once revealed to those houseless sufferers the awful realities of their condition. I visited them next morning, and rode from place to place administering to them all the comfort and consolation I could. The appearance of men, women, and children, as they emerged from the ruins of their former houses—saturated with rain, blackened and besmeared with soot, shivering in every member from cold and misery—presented positively the most appalling spectacle I ever looked upon.”

The landed proprietors in a circle all around the place just referred to—and for many miles in every direction—warned their tenantry, with threats of their direst vengeance, against the humanity of extending to any of them the hospitality of a single night’s shelter. Many of these poor people were unable to emigrate with their families ; while, at home, the hand of every man was thus raised against them. They were driven from their birthplaces, and, in the state of society surrounding them, every other walk of life was rigidly closed against them. After battling in vain with privation and pestilence, they at last graduated from the workhouse to the tomb ; and, in little more than three years, nearly a fourth of them were in their graves.

The eviction thus described must not be considered an isolated exceptional event, which could occur only in an obscure locality, where public opinion could not read and expose it. The United Parliament, in such cases, whatever it may profess, does not care a button about public opinion ; and therefore every district of Ireland was, and is, perfectly familiar with evictions oftentimes surrounded by circumstances, and distinguished by traits of even darker and more disgusting atrocity. Near to Mullingar there was an expanse, as far as the eye could reach,

where extermination was so complete, that not a single human being of the many who had formerly made it their home, nor the vestige of human habitation, was anywhere discernible. There had been several quite respectable houses, but it was difficult to distinguish the spot whereon one had stood. Not far from there, houses that had sheltered three hundred human beings were razed to the ground. Batches of seventeen families at a time, or thereabouts, were cleared out at short intervals.

Ejectments of this character were so universal that a parliamentary return places them as high as 37,164 in six years. They were going on with the utmost activity during the Crimean war, and during the years immediately succeeding, and during the American war. Throughout the whole time there were frequently recurring instances of fierce retaliations ; but the columns of the English papers were too full of news from Sebastopol, or from Paris, or from the federal and confederate armies of America, to allow of giving prominence to Irish grievances or Irish crimes. Plenty of them are on record, but it is unnecessary to count the numbers. The course of legislation supplies the void permitted by the journalists. That legislation was of a character almost frantic. There were Party Concessions Acts, Crime and Outrage Acts, Unlawful Oaths Acts, and numerous suspensions of Habeas Corpus, in all, seventeen Coercion Acts in the seventeen years. In addition to these there were Acts for further increasing the already extravagant powers and immunities of the constabulary. On this subject Parliament seemed to know so little of its own mind that three Constabulary Acts were passed in one year. All that force and severity could do was to no purpose. Every Coercion Act was, on the face of it, passed in distinct and emphatic admission of the impotency of ordinary law and the flagrant existence of consequent evils, and yet under the impression that the evils it was directed against were temporary ; each one clearly implied the hope that a season of wholesome severity would stop the course of outrage. The hope was delusive to the end of the chapter. Union legislation was as much mistaken as ever, and as powerless as ever for good. England said

"Peace!" Ireland answered "There is no peace." England sanctioned the outrage of the law. Ireland retorted with such puny outrage as it could.

During a large portion of the seventeen years here under review, the government was very much or entirely under the control of Lord Palmerston. With trifling exceptions he was either Premier or an influential member of the cabinet. Perhaps that may have had something to do with the persistency of outrage and the secrecy with which it was carried on; for it is not unlikely that his well-known sympathies were calculated to stimulate the evictions and other agrarian miseries that abounded. To every effort to afford relief he firmly opposed all his influence. Tenant-right was much in demand and much talked of. His well-known answer that "tenant-right is landlord wrong" no doubt tended to justify to their consciences the deeds that so many landlords were engaged in.

An indelible mark upon the period is that made by the census of 1861, the figures of which are almost as startling as those of the previous census :

Population in 1851,	.	.	.	.	6,515,794
Population in 1861,	.	.	.	.	5,764,543
Decrease,	.	.	.	.	<u>751,251</u>

So far, since O'Brien's time, resistance to the law seemed to be isolated. There was no considerable avowal or suspicion of systematic combination. To all appearance the authorities had only to contend with maddened individuals, and the government, with its army and its police, cared nothing for mere individuals. They could be easily put down.

The period that was so dominated by Palmerston came to an end with his life. While yet "in harness," as he himself expressed it, and as he had often said he desired to be at such time, he died on the 18th of October, 1865, thus vacating the premiership with notable suddenness, leaving to others the heavier responsibilities that had, during his own rule, accumulated for a still more troubled future.

CHAPTER XLII.

THE FENIAN PERIOD.

WHILE the seventeen years were passing away from 1849 to 1865, and the English government and English society were imagining vain things, under the false impression that they had finally put down organized sedition in Ireland, there was secretly hatching such a desperate conspiracy and organization as had never been known before.

The conflict in the United States having come to an end, early in 1865, and its termination being signalized by the assassination of President Lincoln, that event closed a long period of exciting news that had served to fill the columns of the English papers to repletion for some years previously. It was at that period of editorial exigency that Fenianism opportunely turned up to fill the void caused by the withdrawal of the long-accustomed war-news from America.

Amongst the associates of Smith O'Brien in 1848, who managed to escape official notice at that time, was James Stephens, who was destined in due time to make some ugly marks on the history of the United Kingdom. He was born at Kilkenny in 1824. His father was an auctioneer's clerk as well as a small farmer. In his earliest days he was noted for his thirst for knowledge. He excelled in mathematics and other accomplishments, became a civil engineer, and was engaged in the construction of the Limerick and Waterford Railway. On the completion of that line, he was thrown out of employment, migrated to Dublin, and became a Young Irelander. He spoke a little, wrote a little, but worked in other ways more effectually. He was quiet and cautious, and hence his evasion of the authorities. He was very pre-

possessing, with a graceful figure, a smooth bright face, and with a most persuasive manner. During the Ballingarry affair he was slightly wounded, and, falling into a ditch, became insensible or feigned to be so, and was hence passed by the police as dead. He deliberately lay for an hour or more, and then bandaged his wound, exchanged clothes with a sympathizing peasant, and so escaped arrest.

Another of those who escaped on that day was Michael John Doheny, but he was already well known and described in the "Hue and Cry" as a "barrister, aged about forty, height, five feet eight inches, sandy hair, grey eyes, coarse red face like that of a man given to drink, high cheek bones, wants several of his teeth, very vulgar appearance, peculiar coarse unpleasant voice, small red whiskers, dresses respectably." Otherwise he is described as brave, resolute, and full of energy and resources.

Stephens and Doheny were companions in flight, and had with them a sister-in-law of Doheny, who took refuge with them in woods and ravines, and led with them a life of great hardship and privation. Stephens supplied the most moral force, being described as exhibiting astonishing coolness, and continually cheering his companions with songs and jests. Their great ability in eluding discovery and yet in obtaining assistance from sympathizers, whom they contrived to communicate with, gave them courage and hopes of doing something worthy of notice immediately. One of their projects at this time was to kidnap the Premier, Lord John Russell, and he only escaped their attentions by leaving his quarters earlier than originally intended. A few days afterwards, they separately escaped on shipboard under most romantic circumstances, and soon met again in Paris, where they were joined by John O'Mahony.

Doheny went to America, and settled in the United States as a barrister and journalist. Stephens and O'Mahony remained in France for several years. In Ireland there remained a secret band, including Thomas Clark Luby, James Fenton Lahor, Joseph Brenan, and Philip Gray. The four formed themselves into a "directory" and awaited events. These men originated Fenianism. It began to be active about

1853, when Stephens ventured into Ireland and O'Mahony joined Doheny in America. Amongst them they contrived to form what seems to have been one of the most determined and successful conspiracies on record, extending through Ireland and amongst the Irish in all parts of the world, especially in the United States.

The original idea upon which they worked, was an "Irish Republican Brotherhood." Fenianism was a name first adopted by O'Mahony in America, in 1859. Being derived from ancient Irish traditions, and being distinctive, it was immediately adopted everywhere as soon as suggested. Under that designation the conspiracy grew apace, and Fenians became extremely numerous before their existence, as such, was suspected by anybody outside their own circle. Stephens, having learned the ways of French and other continental politicians, brought them to the aid of his remarkable ability for his office, and contrived to enlist the sympathies of numerous classes. Of course the broad basis of operations was the agricultural tenant class, amongst whom rack-rents and evictions sowed the seed of sedition that Stephens so successfully cultivated, but beyond this he insinuated himself into the good-will and steady co-operation of commercial travellers, medical students, and other active and well-instructed classes, amongst whom the letters I. R. B. soon became regarded as the symbols of that Irish Republican Brotherhood, or Fenianism, with which they hoped to shake off the hated government of England. That it really was a hated government, in the deepest and extremest sense, was the essence of the success ; if that government had not been vehemently hated by at least four-fifths of the Irish population everywhere, the conspiracy could not have subsisted for a month.

The distinctive characteristic of Fenianism from the first, was the avowed intention and desire to resort to physical force whenever possible, and the repudiation of all attempts at peaceful or constitutional procedure. The leaders were encouraged in this idea, and their adherents accepted it, as the essential and inevitable outcome of previous experience. Half a century of deliberately systematic wrong had to be avenged, to say nothing of preceding ages. Peaceful, and

humble, and so-called constitutional means, had been tried too often to be any longer trusted. Not once in all that half century had the English Government or the English Parliament done a generous thing, or made a genial concession. Not once in all that half century, had a majority of the English Parliament exhibited one grain of good feeling towards Ireland—not in the estimation of a single hair. As admitted in such forcible language by the Duke of Wellington, as testified of by the Devon Commission, as confirmed by acts and deeds, and clouds of witnesses, during any decade of the five, the English Government and the English Parliament had never conceded anything to the people of Ireland, except under the sordid influence of flagrant selfishness, or the stern compulsion of cowardly fear. "Everything that had been wrung from England had been torn from her false heart by the red hand of the murderer." Under the stimulus of such sentiments, the Fenian conspiracy rapidly took deep root in the congenial soil prepared for it, watered by the tears of the thousands of evicted—stimulated into abnormal growth by the carnival of systematic outrage that was being indulged in by the dominant classes, as sketched in the preceding chapter.

Stephens very soon got to be universally regarded as the supreme chief. He had four vice-presidents (one for each province of Ireland) known as V's, whose business it was to appoint a "centre" for every district. Each centre was sworn that he withdrew all allegiance from the British monarch; would be faithful to the Irish Republic; would keep all the secrets of the Brotherhood, obey all the lawful commands of its officers, and be ready to take up arms at a moment's notice. Each centre was known by the letter A, and each A worked by means of captains, each of whom was known by the letter B. Each individual officer knew only the officer immediately above him and no other except by accident. So completely and cautiously was this carried out, and so general was the willingness to join, and so careful was the selection of individuals, that it is said there was never known an instance when a B or an A betrayed his trust. As the organization increased, the letters C and D were introduced, and F for friend,

and by means of the skilful use of these letters, seals instead of signatures and other devices of Stephens, correspondence was wholly or nearly unintelligible except to those to whom it was addressed.

The hope held out to all was the eventual establishment of an Irish republic, in which all religions were to be tolerated, but none allowed supremacy, it being stipulated that the priest was in all cases to be restricted to the exercise of his ecclesiastical duties. Stephens's avowed intentions were to secularize education, to deprive religious bodies of all property, to educate the clergy by the State, and to make them State officers in State pay.

While all this was going on in Ireland, O'Mahony was operating upon similar lines in America with greater success. He had to do with numerous now prosperous Irishmen, who had suffered all the miseries and bitterness of eviction and compulsory expulsion from their native land. It is said that for every pound subscribed in Ireland there were ten contributed by America. The aggregate of the amounts obtained by 1866 are believed to have exceeded one hundred thousand pounds sterling, and such a fact points to the truth that, both in Ireland and America, the movement was warmly sympathized with by many who had money to spare.

In 1858, it was perceived that O'Mahony was not quite equal to his opportunities ; so Stephens went to America to put new life into the movement. There he found Magee, Mitchel, and Meagher. He was unable to impress them with the importance of his movement, but without their assistance, he traversed the country successfully for five months, strengthened the hands of O'Mahony, and secured the co-operation of Father Fitzgerald, of Crawfordsville, Indiana.

During Stephens's absence, a new star had arisen in the person of O'Donovan Rossa, the A of Kerry and Cork. He established the Phoenix Club, as supplementary to the brotherhood, at the meetings of which such bold things were openly said that the government eventually prosecuted and convicted Rossa and several important conspirators, but seems to have had no adequate idea of what was otherwise going on.

Considering the sentiments of Stephens, and the formal determination of the Fenians with regard to religious institutions, it is not surprising that the Papacy and the priesthood were almost universally opposed to the movement. Father Fitzgerald was decidedly an exception. Bishop Moriarty of Cork is reported to have declared that hell was not hot enough nor eternity long enough to punish the brotherhood. That was about the usual style of clerical sentiment, but there were some priests in Ireland who did not concur with their bishops, and there are instances recorded of priests becoming officers of the conspiracy.

In 1861, O'Mahony visited Ireland. While he was there news came that Terence Bellew M'Manus had just died at San Francisco. The event was immediately seized upon as the basis of a national demonstration. All arrangements were made accordingly. The body was conveyed to New York, where there was a great procession and solemn services at the cathedral, attended by many thousands of spectators, on the 18th of October. On the last day of that month the body reached Cork. The Phoenix Club took the lead in the proceedings. The archbishop refused admission of the body to the cathedral, so it was conveyed in state to the church of the Mercy Hospital, where it remained till the following Sunday. On that day the procession to the railway station was immense, accompanied by funeral music. Soldiers in full uniform joined the procession. They were ordered to retire from it, but refused. At the station Stephens harangued the multitude, and at his desire all present knelt till the train was out of sight. Throughout its course the railway was thronged with spectators. The cathedral and all the churches of Dublin were closed against the ceremony, by order of Cardinal Cullen, so the body was taken to the Mechanics' Institute, where it was visited by many thousands. On the evening of Sunday, November the 10th, the funeral took place by torchlight, accompanied by a vast procession of enthusiastic multitudes, including many soldiers in full uniform, who were present in defiance of orders to the contrary.

The funeral brought matters to a crisis between the brotherhood and

the clergy. The following Sunday Cullen denounced the society from the altar, and spoke in strong terms against all secret societies. So little was he, the head of the Irish Church, cared for, that the numbers of the brotherhood in Ireland doubled during the following six months, and continued growing in numbers, means, and influence, towards its violent development.

The *New York Phoenix* and the *Irish People* of Dublin were started as representatives of the movement in their respective countries. In March, 1864, Stephens went to America again, and a second time succeeded in revivifying the movement. In his absence O'Donovan Rossa again came to the front. Luby was in London, lodging near Red Lion Square. After Stephens's second return from America, systematic drilling was assiduously cultivated by the brotherhood throughout Ireland. Stephens was exceedingly active in London and other parts of England, as well as in Ireland.

From the time of Stephens's second return from America, and probably before, informers and constables had contrived to become brethren, and the whole movement was systematically watched. On the 15th September, the police seized the premises of the *Irish People*, and took Rossa and Luby prisoners, the former on the premises, and the latter at 82 Dame Street. For some days afterwards, Stephens assumed the disguise of a crippled beggar ; but the police, though not appearing to do so, knew him and watched him the whole time. Why they waited so long does not appear, but he was easily captured on the 10th of November, at his then residence, Fairfield House, near Sandymount. Other arrests were made, especially at Cork, the immediate cause of police activity being a discovered project for a general rising on the 20th of September. Considerable sums of money were found upon the prisoners, including an order from New York for £1,525 8s. 6d., which was found on James Duffy, a young fellow who had recently joined the movement. The government soon afterwards seized £6,000 more from America.

The prisoners were lodged in Richmond prison, where extraordinary precautions were taken to prevent their escape or rescue. Stephens

was lodged in the top storey of the most central part of the building ; but, so complete was the Fenian conspiracy, that, in defiance of all the precautions, keys were obtained by which to get through every door, the officials were probably bribed, but, at any rate, Stephens walked safely out, unmolested, soon after midnight of the 24th of November. His escape is generally ascribed to the complicity of Byrne, a warder, who was immediately convicted of the offence.

Three days after his escape, a reward of a thousand pounds was offered for information leading to the arrest of Stephens, but it was all in vain. The other prisoners were brought to trial on December the 16th. The verdict upon every one was "guilty." After that it is needless to inquire how the jury was made up. Luby and O'Leary were sentenced to twenty years' penal servitude, and Rossa for life. Stephens remained in Ireland until 1866 (or is believed to have done so), when he escaped in March to the United States.

After the arrest of Stephens, Kelly and M'Cafferty took the lead in the Fenian movement. It had now so extended its ramifications that it is said the contributions from London alone amounted to £5,000 per week. About the same time the movement was actively participated in by an American Colonel, otherwise called "General" Richard Burke. He is described as winning in person and manners, genial tempered, lively, fertile in fancy, overflowing with anecdote, he had a good voice, and sang with taste. The avowed desire now was to provide arms for the members, and, for this purpose, Burke migrated to Birmingham, where he took up his quarters at 64 George Street, Parade. There he was joined by Casey, Shaw, and Mullady. The police being informed, a descent was made on the premises. Though thousands of arms had passed through their hands, not one was found, and nothing came of the adventure. Meanwhile, Kelly and M'Cafferty had established factories in Dublin of Greek fire, explosives, and other means of attack, which factories they carried on for some time. Orsini shells and grenades were there manufactured in great quantities, repeated seizures being made by the police, and some arrests.

From Birmingham, Burke went to Liverpool, Glasgow, Sheffield, London, and thence to the United States. In 1866 the American Fenians organized in New York a band of fifty, who proceeded to the British Isles. Fifteen formed a directorate in London, eight of whom were ex-officers of the American armies. There were also directorates at Liverpool, Manchester, Leeds, Glasgow, and Birmingham. Early

in 1867 it was made known to the Fenians that there were nine thousand stand of arms in Chester Castle, and that the castle was very insufficiently guarded ; so a project was formed to attack the castle and seize the arms. Information of the intended attack had reached the government, and on the 13th of February, the police of Chester perceived that there was an extraordinary arrival there of several hundreds of young men of the labouring class. They came in by trains from Liverpool, Manchester, Preston, Halifax, and other neighbouring towns. The magistrates, having had their attention directed to what was going on, held a special meeting presided over by the Mayor. London was communicated with, special constables were sworn in and paraded the city. The superintendent at the railway station made arrangements to pull up the rails if such a course should seem desirable. In London five hundred Scots Fusileers were marched from St. George's Barracks to Euston Station, and thence conveyed in a special train of twenty-seven carriages to Chester. All these preparations proving too much for the Fenians, they simply dispersed, and so nothing came of the business except the excitement and the expense. On the morning of the 12th, on the arrival of the Holyhead and Liverpool steamers at Dublin, sixty-seven of the passengers were arrested on the North Wall, under the powers of the various coercion Acts then in force. The persons arrested had no arms with them, and the theory set up was that they had thrown them overboard. That appears to have been simply imaginary, but as there was no necessity in Ireland for stating the cause of arrest, the evidence was of very little consequence. As such powers did not extend to England, no similar arrests were made there. And so the Chester fiasco ended.

It had been arranged to effect a general rising of the population throughout Ireland about the same time. It commenced in Kerry on February 11th, when a party of about eight hundred commenced operations by sacking a coast-guard station at Kells, where the arms were seized, a mounted policeman shot, and his horse taken. Telegraph wires were cut and other devastations indulged in, but, on the arrival of a military force, the party fled to the mountains and dispersed, many being arrested. On the 5th of March there were risings in various other quarters. Cluseret, a French sympathizer, who initiated these proceedings, abandoned them in despair before the attempt. Kelly was in London at the time, and either did not know

what was going on or refused to join. Ridiculous attacks were made upon police stations, some failing and others succeeding for the moment. There was little or no organization ; very few leaders, and these almost disregarded ; no discipline, and the arming was preposterously inadequate. The end was a complete failure, as it deserved to be, resulting in many arrests. There were 169 prisoners of whom only seven were acquitted. The others got the various terms of penal servitude they justly deserved, not for their patriotism, where they had any, but for their folly, which was worse than their crime.

Kelly, still known as "Colonel" Kelly ; and a "Captain" Deasey, were arrested at Manchester in the following September, on a charge of loitering with intent to commit a felony. For a second time they were brought up on the 18th, and, their identity being established, they were again remanded, and placed in an ordinary prison-van, with other prisoners, for conveyance back to jail, Kelly and Deasey being put in irons, and seven police constables accompanied the van on its way. Near the railway arch over the Hyde Road was the Railway Hotel, which the Fenians made their rendezvous for the day. When the van arrived at that point it was attacked by about fifty Fenians with revolvers. One of the horses was shot dead, the other became unmanageable, and all the police dismounted as quickly as possible, except Brett, who was locked inside in charge of the prisoners, and with the keys in his possession. The armed Fenians having shot the second horse, kept the police at bay, inflicting several serious wounds with their revolvers, and so the van was left open to attack. As many as there was room for mounted to the roof, smashed it with great stones that had evidently been collected for the purpose, and made an aperture sufficient to discover Brett, of whom the keys were demanded. He refused to deliver them up. He was wounded by several of the stones that were heaved on to his head. Very soon a panel of the door was smashed in, and the keys demanded again. On refusal, the lock was fired into but without result. On Brett's reiterated refusal to deliver the keys he was aimed at and shot through the head. His bleeding body fell out into the road. The keys were taken from his body ; they were successfully used, the prisoners were released, and Kelly and Deasey made off across the fields. They were ironed all the time. They were seen to enter a cottage with their irons on, and to come out of it with them off. Every effort of the authorities failed to secure their recapture, and so

they entirely escaped, their subsequent careers being unknown, though many statements respecting them have been made based upon only slender evidence.

Their chief rescuer, William O'Meara Allen, was captured in his attempt at flight, with some others of the attacking party. Arrests were also made of several persons on suspicion. Twenty-nine prisoners were taken before the magistrates, under a strong guard, the next day. Of these, Allen, Larkin, Gould, Maguire, Shore, Brannon, and Featherstone, were subsequently put upon their trial for the murder of Brett. They all pleaded Not Guilty. The verdict was guilty against the first five, but not guilty as to the other two, who were afterwards convicted and sentenced for riot. The five disavowed any intention to kill Brett, but justified the rescue. Shore, in conclusion, said "God save Ireland," which the other prisoners repeated in chorus. The five were all sentenced to death by Justice Mellor. Maguire's defence of non-participation was subsequently believed, and he was "pardoned." Shore was reprieved. Allen, Gould and Larkin were hanged upon the walls of the New Bailey Gaol, Manchester, on the 23rd of November, when a strong force of military and police, with very great material precautions, were prepared to prevent the rescue that was anticipated, but there was no sign of any attempt. The only demonstration was that, when Allen appeared, every head of the vast multitude was uncovered—a mute but eloquent evidence that his conduct was approved.

Early in December, Burke and Casey were under arrest, on a charge of participating in the Fenian conspiracy, and were in the Clerkenwell House of Detention. Between three and four o'clock on the afternoon of the 13th, a tremendous explosion took place. It blew down an immense piece of the prison wall facing Corporation-lane, and made havoc of the whole neighbourhood. The houses in Corporation-lane were blown into ruins; many other buildings suffered in a similar way, and all the windows in hundreds of houses were shattered. The appearance of the neighbourhood was beyond description, giving evidence of the immense force of the explosion. Forty persons were seriously injured, one was killed at the time; three others died of their wounds. All this was done to rescue Burke or Casey, or both. According to the rules, the prisoners should have been exercising in the yard at the time, and the breach in the wall would have probably permitted their escape. But the governor of the prison had somehow received ob-

scure information of what was intended, so he changed the time of exercise, and hence the failure so far as escape was concerned. But no other precaution seems to have been taken. A man was seen to convey a cask to the place of the explosion, to stick a common "squib" into the cask, to light the squib, and to run away. That was seen by several persons, including a policeman, who ran after the man, but as the explosion instantly occurred, the consternation prevented further pursuit.

Timothy Desmond, William Desmond, Jeremiah Allen, Ann Justice, Nicholas English, John Mullany, and John O'Keefe were very soon arrested and charged with treason-felony. Ann Justice, who had visited Casey in the prison, attempted in vain to strangle herself on the evening of her arrest. The evidence being unsatisfactory and much mystery pervading it, numerous remands took place until the 14th of January 1868, when Michael Barrett and James O'Neil were arrested at Glasgow. Of these, the two Desmonds, English, O'Keefe, Barrett and Justice, were put on their trial at the Old Bailey on the 20th of April. The charge was murder of Sarah Ann Hodgkinson, the person who was first killed by the explosion. They all pleaded Not Guilty. Ann Justice was first declared not guilty. She rose, kissed Barrett, and left the dock. O'Keefe was also separately declared Not Guilty. All the rest except Barrett obtained a verdict of Not Guilty. Barrett, alone, was found guilty. He made a speech of considerable ability, and was sentenced to death by Lord Chief Justice Cockburn. The principal witness was Patrick Mullany, an accomplice who turned Queen's evidence. Barrett was hanged on a gallows erected outside the front of Newgate Gaol on the 26th of the following May, and he was the last person publicly executed in the British Isles. He was remarkably firm. The crowd was not very large. Some of the spectators groaned. Some clapped hands. The greater part uncovered.

The conviction and execution of Barrett closed the prominent part of the Fenian period. Burke had been convicted and sentenced a few days previously to penal servitude for treason-felony. Barrett's execution and the events that preceded it thrust Fenianism out of sight. Its open existence being impossible, it became more than ever a secret society, like a smothered volcano, from which furtive eruptions have proceeded and may proceed any time. Amongst the most prominent were the shooting at and severe wounding of the Duke of Edinburgh

at Sydney, March 31, 1868 ; the shooting dead of Mr. D'Arcy Magee at Ottawa, April 7, 1868 ; raid on Canada in 1870 ; the murder of the Dublin policeman, Talbot, and of a guardsman in London. The shot that killed the last named man was supposed to have been aimed at Corydon, who continued for many years in the employment of the government as an informer against the Fenians.

O'Donovan Rossa and other Fenian prisoners were released in March, 1869, on condition of leaving the country. Before they left, they behaved with open defiance, which made the detention of the remainder all the longer ; but most, if not all their contemporaries appear to have been released at various times afterwards and some escaped from Australia.

Stephens reappeared on the French side during the Franco-German war. He and others are believed to have operated since, in America. On the death of O'Mahony, at New York, a prodigious demonstration was got up at his funeral, on the 6th of February, 1877, which showed, beyond doubt, a wide-spread Fenian sympathy in the United States.

Where the volcano has been or is nearest the surface at any subsequent time is hard to determine, but that some of the plots discovered, and many of the crimes recorded, have arisen from it, there is abundant justification for concluding, though not always enough certain evidence to prove.

CHAPTER XLIII.

LEGISLATIVE AGONIES—VAIN COERCION ACTS—THE REFORM STRUGGLE—THE DISESTABLISHMENT RESOLUTIONS—THE APPEAL TO THE COUNTRY—STATESMEN ON TRIAL.

DURING the prominent part of the Fenian period reviewed in the last chapter, the United Parliament passed through prolonged legislative agonies, some of which were very acute.

It fell to the lot of the Russell administration of 1865-6 to bear the first brunt of the Fenian storm. Late in 1865 there is evidence that the government were beginning to appreciate the importance of what was going on, for, in the Queen's speech of February 6, 1866, we read, "A conspiracy, adverse alike to authority, property, and religion, and disapproved and condemned alike by all who are interested in their maintenance, without distinction of creed or class, has unhappily appeared in Ireland. The constitutional power of the ordinary tribunals has been exerted for its repression, and the authority of the law has been firmly and impartially vindicated."

But it is very remarkable that this speech does not propose any new coercive legislation. The ordinary law was thought sufficient. This complacency was doomed to be suddenly disturbed within ten days afterwards. On the 16th, Sir George Grey gave notice in the House of Commons, saying, "Sir, I rise with deep regret, and only under the strongest sense of what the government believe to be an absolute necessity, to give notice that to-morrow, at twelve o'clock, I shall move for leave to bring in a bill to suspend for a limited time the Habeas Corpus Act in Ireland." A sense of consternation immediately manifested itself in both Houses of Parliament, which rapidly extended throughout the country. The day thus named was Saturday, and the unusual spectacle of a full house appeared at twelve

o'clock. The standing orders having been suspended, Sir George Grey asked for leave to bring in the bill, making a long speech which led to an animated debate. On a division, leave was given by 354 to 6. Mr. Bright spoke against the motion, but did not vote. The first and second readings, the committee, the report and the third reading, were rushed through precipitately, and the bill sent to the Lords, where, on the motion of Earl Russell, all the stages were speedily got through. Both Houses remained nominally sitting until twenty-five minutes before one on Sunday morning. At that time the House of Commons was summoned to the House of Lords, where the Lord Chancellor announced that he and other lords were commissioned by the Queen to give her assent to the bill, which immediately came into force, in little more than twelve hours after it was first proposed; a legislative achievement unprecedented in the annals of Parliament.

The Act was of the ordinary character described on our earlier pages. It was appointed to expire on the 1st of the following September, but, in August, it was renewed until the following spring, and thence by renewals in 1867 and 1868, until the 25th of March, 1869, so extending over the whole of the active portion of the Fenian period. From this we learn the utter worthlessness of that and all other so-called coercion Acts. So far as there is any evidence to show, all that legislative agony only created a series of sensations for society. It failed to prevent the occurrences reviewed in the last chapter, and, with regard to the detection and punishment of crime, every one of the leaders could have been just as easily arrested, and just as liable to conviction and sentence as if such an Act had never been passed. Regarding the experience of that time, and of other times before and after it, it is difficult to believe that any observant and ordinarily intelligent statesman can have any confidence in Acts of such a character, and it is equally difficult to resist the conclusion that such Acts have for the last half century been passed, not because they are of any real efficacy for their avowed purpose, but because the Great British public likes to be amused with such parliamentary fireworks, and will not rest contented without periodical doses of remedial medicine of that sensational kind. These observations inevitably follow the said Act of February, 1866, which, being passed in such a fever of apparent consternation and necessity, is conspicuous for its very palpable failure to do anything it was expected to do, unless it, like others of its class, helped a few informers to get rewards, a few malicious individuals to

get private revenge, and a few contractors to get contracts for enlargement of prisons.

But, during the interval between the two Suspension Acts of 1866, the Russell-Gladstone ministry resigned upon being defeated in committee on their weak-kneed Reform Bill, after Mr. Bright had come to their rescue in vain, with his memorable protest against the enfranchisement of his friends "the residuum," as he described them. The consequence was, that the heritage of Fenian troubles fell upon the Derby-Disraeli government of 1866-8, and the Disraeli government of 1868. It was during that interval that the Disraeli Reform Acts were passed, amongst the rest being that for Ireland, which next comes under our review.

The said "Act to amend the representation of the people in Ireland," is dated July 13, 1868. The most notable difference between it and those that had previously passed for England and Scotland was, that the Irish borough franchise, instead of being made "household," was limited to four-pound occupiers. The lodger franchise is the same as the English. Section VIII. provides that "No elector who, within six months before, or during any election for any county, city, town or borough, shall have been retained, hired, or employed for all or any of the purposes of the election as agent, canvasser, clerk, messenger, or in any other like employment, shall be entitled to vote at such election, and if he shall so vote he shall be guilty of a misdemeanour." The Act destroyed no old constituencies, and created no new ones. The county franchise remained as before, and, with reference to it, the forty-shilling freeholders were not restored. Therefore, that Act fully maintained and further aggravated the invidious distinction between the franchises in Ireland, and in other parts of the kingdom. Several vain attempts have since been made to remove the invidious distinction. A bill to remedy the grievance as regards Irish boroughs was introduced by the government in 1880, but it was withdrawn on the 12th of July.

While the Conservative Reform fever was coming to a head, there was something else brewing of considerably more importance to Ireland. Mr. Gladstone and his friends were out of office and wanted to get in again. It was understood that a dissolution of Parliament was to occur during 1868, and something was wanted to appeal to the country with. Mr. Gladstone was inspired with a happy thought. He conceived the idea of disestablishing the Protestant Church of Ireland.

Accordingly, on the 20th of March, he gave notice of his intention to move resolutions on the subject of the Irish Church. This aroused curiosity to the utmost. On the 23rd he brought forward his resolutions for disestablishment, which startled Parliament and the whole country. The resolutions were three in number, to be put separately. Mr. Disraeli named the following Monday for the subject. On that Monday, March 30, Mr. Gladstone moved for a committee of the whole House to consider his resolutions. A prolonged debate followed, and in two divisions an amendment was lost by 330 to 265, and the motion for a committee was carried by 328 to 272. Mr. Disraeli threatened to resign, but, in the peculiar circumstances, consented to hold office until the general election.

The committee thus constituted eventually agreed to four resolutions, the substance of them being: 1. That it was necessary the Established Church of Ireland should cease to exist. 2. That the creation of new personal interests in such Church ought to be forthwith prevented. 3. That the Queen should forthwith place all her Irish Church patronage at the disposal of Parliament. 4. That the grant to Maynooth and the Regium Donum should be discontinued. The address to the Queen was presented in due course and a reply in concurrence received. During the session, the substance of the second resolution was embodied in a bill by Mr. Gladstone, and was carried through the Commons, but the second reading was rejected in the Lords by 192 to 97, Earl Grey taking the lead in the opposition.

Parliament was prorogued on the 31st of July. It was dissolved and writs issued for a general election on the 11th of November. During the interval, stirring appeals were made to the country by both parties and all parties, mainly on the issues raised in Mr. Gladstone's resolutions. There never was a more distinct appeal made to the electors. The new Reform Acts were in full force for the first time. There was an ample period wherein to bring the issues before the country. They were urged by both parties with exceptional energy. They were thoroughly made known and universally understood, and the unqualified verdict of the electors was a majority of members in favour of the resolutions of 387 to 272, or thereabouts, making allowances for very few doubtful cases. The votes recorded were, Liberal, 1,408,239; Conservative, 883,530; Liberal majority, 524,709.

The result proved that a large majority of the enfranchised portion of the people of the country, at large, desire to act with the utmost

liberality towards Ireland. Whether the members returned, and the Parliament collectively, and the government of either party, faithfully reflect that liberality, is a very different matter, and a subject for very serious reflection. There are several conspicuous doings of Parliament, participated in by both sides of the House of Commons, and promoted by Governments and leaders of both parties since that election, that are suggestive of a disregard of the liberality manifested by the electors, and of grave breaches of representative faith. Those things must not be forgotten in estimating the extent of the liberality towards Ireland evinced by the electors.

But though the heart of England (in the aggregate) is so faithful to liberal traditions, and would blush to withhold liberality from Ireland, that election of 1868 also exhibited very conspicuously a phase of sentiment which is entertained and successfully cultivated in some parts of England, adverse to the interests of Ireland and the Irish. We have already had occasion to refer to the corrupting influence of Government patronage upon the professional classes of Ireland. Since 1868 that kind of corruption has been extremely predominant amongst Irish representatives—men whose professional promotion is entirely at the mercy of the Government—men who can scarcely call their souls their own—men whose patriotism is bounded by the prospects of office, and whose votes and abstentions from voting are such mysteries to bewildered observers, and such vulnerable places in the armour of the Irish brigade.

Government patronage is not wholly unknown as an element in English politics, and hence the active intelligence that aspires to government appointments of the higher order is intensely jealous of promotions from the Irish ranks. Nobody supposes, we presume, that professional Irishmen are superior in intelligence to their English competitors. Far from it is the chorus of reply we get to the suggestion. It is not that ; but every Irish appointment is just one less for the English aspirants, and for every Irish appointment there are a hundred or more English professionals, whose jealous bile is stirred by the catastrophe. For causes such as those hinted at, there is a furious hatred of the brogue and the blarney that obtain, now and then, conspicuous preference. The feeling pervades, more or less, all the professions, and that feeling is an influence (perhaps a just one) against the Irish cause in England in every political emergency.

But there is a deeper jealousy of the Irish in another quarter, where

there is a rougher kind of hatred and a keener sense of competition ; all elements of more importance than professional spite at a general election. The unfortunate Irish have to contend with English society nearly at the top, and also at the very bottom. For them they are as the upper and nether millstones. No one who has had much to do with working men in the largest towns of England can be ignorant of the lurking jealousy of the Irish interloper. In London, it, like almost everything else, is lost in the immensity of the metropolis. At Bristol, and from thence to Glasgow, it pervades the western coast towns. Inland, it penetrates as far as Birmingham, where, a Catholic being almost another word for an Irishman, it has manifested itself more than once in murderous riot. But it is in Lancashire that jealousy of the Irish workman most flourishes. There the Irish are regarded pretty much in the same spirit as the Chinese are in California. If Lancashire were polled on the subject, every Irishman in the county would be summarily evicted and sent back, as Californians would like to send back Chinamen. The feeling is right enough from some points of view, but, at least, there is this difference ; the Californians are in no sense responsible for China being unable to hold its people, and the Californians may justly say that China and the Chinese must somehow adjust their own difficulties, and not put them on other people who have nothing to do with them. The case is different in Lancashire. At least half the reason why the Irish are so numerous there, is because the legislation against the Irish, which Lancashire men have done so much to foster, makes it impossible for them to live in Ireland. From that point of view, Lancashire is responsible for the legislation, and ought to be made to put up with the consequences. If Lancashire men would take it to heart afresh, they might reasonably arrive at the conclusion that justice to Ireland would pay. To make Ireland tolerable is the best way to rid Lancashire of Irishmen. Lancashire having helped to make Ireland intolerable, the Irish are willing to accept such a dismal alternative as Lancashire. And what we say to Lancashire applies in its several degrees to the whole of England and Scotland, both amongst professional and labouring classes.

At any rate, Lancashire had not gone so far in the paths of wisdom in 1848. The distinct question was "a concession to the Irish." Lancashire had usually voted radical for many years, but was willing to throw its radicalism overboard in order to have a fling at the Irish, and

that fling it had along the whole line. The anti-Irish candidate was at the head of the poll for Manchester and for Stockport. The anti-Irish candidates carried the election at Liverpool, Preston, Blackburn, Salford, Ashton, Bolton, Clitheroe, and Stalybridge. At Oldham, traditionally radical of the radicals, the Liberals got in by only six votes out of more than twelve thousand. In the remaining boroughs the Liberals had evidently lost their old force, and the whole of the county divisions went unanimously anti-Irish. In the South-Western Division (the Liverpool district), which Mr. Gladstone had previously represented, he was beaten by about three hundred, and was indebted for his seat to Greenwich.

Considering that the whole country went so largely in favour of Mr. Gladstone's Irish policy, and that Lancashire went so dead against it, there is no room for doubt as to the motive that then pervaded Lancashire. That episode is very instructive as regards the past and suggestive for the future. That election proved that Lancashire (despite the expressed boast to the contrary) cannot govern England, but that county is a powerful and justly powerful element that can never be left out of important representative account, and there, more than anywhere else—for the sake of Lancashire as well as of Ireland—the Irish problem most urgently needs thoroughly working out.

On that occasion, though the majority of Lancashire voted one way, the majority of the whole country voted the other; so Mr. Disraeli resigned on the 2nd of December, Mr. Gladstone, for the first time, became Premier, and Mr. Bright, for the first time, a Cabinet Minister. Those two right honourable gentlemen, especially, were then put on their trial. What was the verdict?

CHAPTER XLIV.

THE DISESTABLISHMENT ACT.

ACCORDING to his implied promise, Mr. Gladstone lost no time in carrying his resolutions into effect. As early as the 1st of March, in the session of 1869, he introduced his bill for the disestablishment of the Irish Church. The bill was that day read the first time without a division. On the 18th Mr. Gladstone moved the second reading. Mr. Disraeli was the first speaker against the motion, and a long and warm debate ensued, which did not end until the 23rd, when the amendment was lost by 368 to 250, and the bill was read a second time without a division. The committee was exceedingly long and laborious. The opposition in the Lords was powerful but insufficient, and, after innumerable attempts at amendments and actual amendments, the royal assent was reached on the 26th of July.

This was the most revolutionary Act ever passed by the United Parliament. As pointed out in our earlier pages, this Act, according to the strict letter of the Act of Union, abolished the Union, and was and is, from that point of view, completely subversive. The title reads thus :—"An Act to put an end to the Establishment of the Church of Ireland, and to make provision in respect of the temporalities thereof, and in respect of the Royal College of Maynooth." It provided that, after the 1st of January, 1871, the Union "created by Act of Parliament between the Churches of England and Ireland shall be dissolved, and the said Church of Ireland shall cease to be established by law." All the Irish Archbishops and Bishops were deprived of the seats they were previously entitled to in the House of Lords. All the property of the Church of Ireland was made over to the "Commissioners of Church Temporalities in Ireland," which body was made to supersede the previous Irish Ecclesiastical Commissioners. All Irish Church

patronage was abolished. Lay patrons of Church preferments were entitled to compensation for the sacrifice of their privileges.

The Act suggested and provided for the incorporation of the Protestant Church of Ireland by united action of the clergy and congregations of the Church as existing on the 1st of January, 1870. In accordance with that provision a charter of incorporation was duly executed, and the succeeding provisions of the Act govern the connection between the Commissioners and the Church. The Commissioners are empowered, with reference to ecclesiastical buildings that have ceased to be used for church purposes, either to sell the property or to make over such buildings to the Irish Commissioners of Public Works to be preserved as public monuments. Ecclesiastical buildings, in use for church purposes on the 1st of January, 1871, are subject, under the Act, to one of two provisions. 1. Every such building, registered before July 1, 1871, by the corporate church, as required for church purposes, is hence the property of such corporate church; or, 2, Every such building, not being so registered, the Commissioners are required to sell, and to add the proceeds to their common fund, unless it is proved to be private property of individuals or subscribers, who are entitled to their property therein as though it had not been a church or church building. The Commissioners have power to grant land to attach to any church residence retained by the corporate church. The quantity of land is limited to thirty acres for a *see* house, or ten acres for any other ecclesiastical residence.

Tithe rent charges, as referred to in previous chapters, become the property of the Commissioners. They are entitled to require payment thereof as previously, or to commute the same for a capital sum equal to 22½ years' purchase, payable down or by instalments and interest on balances of purchase money, such instalments not to extend over more than 52 years.

Every bishop, beneficed clergyman, permanent curate, school-master, clerk or sexton, actually holding and fulfilling the duties of each office respectively on the 1st of January, 1871, so long as he continues to hold his office, is entitled to payment from the Commissioners of the same amount of net income as he was previously entitled to under the establishment in virtue of such office. Such net income to be regarded as a life annuity, with power to each recipient to commute for a capital sum equal to the value of his annuity. The

effect of this has been to induce the clergy and others to retain office only so long as was necessary to obtain the commutation money, and then, either to make terms with the church for a separate salary in addition, or else to resign and walk off with their spoil. The excessive weakness of the Act in this respect (weakness that appears to be inherent in all Union legislation) has opened the door to many grievous scandals in the Irish Church, and one of the effects has been to overrun the Church of England with recreant Irish curates, who, in virtue of their commutation money, are able to take duty at a lower stipend than the English curates can possibly accept, or otherwise they are endowed with a leisure that places their English brethren at a manifest disadvantage in many respects.

This exhibits in one of its worst aspects the real truth with regard to the Irish Church. Regarded in its national or collective aspects it was never anything but a plundering imposture, almost as great an imposture as the political union between the two countries, but not quite. While pretending to exist in the interests of a legitimate religious community, it was to the last, and after its dissolution, a mere confederacy of clergy, constituting a privileged body, absorbed in the appropriation of the State loaves and fishes with which it has always been baited and bribed. Such has been the case all through. Year after year, and almost every year for half a century before the disestablishment, Acts have been passed for the greater advantage of this body of clergy. Most of the Acts have been for their greater aggrandisement and to degrade their offices more and more into mercenary sinecures. The ruling principle of its life was strong in death, and the weakness of the Act has tended to continue the evil after its dissolution.

The residue of all the property falling into the hands of the Commissioners under the Act, after being plucked and pulled at in the manner just noticed, is anticipated and described as the "ultimate surplus." This surplus is declared to be legitimately available for "the relief of unavoidable calamity and suffering, yet not so as to cancel or impair the obligations now attached to property under the Acts for the relief of the poor." But it is "further enacted that the said proceeds shall be so applied accordingly, in the manner Parliament shall hereafter direct." As this fund may ultimately run into several millions sterling, there never was money that more required looking after with a keen eye.

As before mentioned, this Act also put an end to the Maynooth Grant and to the Regium Donum, with corresponding provisions for compensating individuals for any apparent disadvantage caused to them.

During the discussion of the Irish Church Act, leading members of the Government repeatedly made known their intention to supplement it with a new Land Act for Ireland. An Act of some pretensions, but little or no performance, had been passed in 1860. It was made much of at the time, and proved to be, like so many other puny mice that the legislative mountain so lugubriously labours with, only too much like its predecessors, which either did nothing for the tenants or did much more for the landlords. In acknowledgment of the inadequacy of all previous legislation of the kind, the Act referred to in the next chapter was brought forward professedly as a new departure. Both the Church Act and the Land Act, as succeeding Fenian activity, lay the Government that introduced them open to the charge of yielding to extreme violence what had been denied to constitutional agitation.

CHAPTER XLV.

THE IRISH LAND ACT OF 1870—ITS PROVISIONS AND DEFECTS.

IN order to comprehend the effect and operation of the Irish Land Act of 1870, it is necessary first to have a clear understanding of the state of the Land Law in Ireland before the enactment.

One of the great difficulties that has always beset the subject, especially in the minds of Englishmen, is the persistent contrast between law and custom in different parts of Ireland. The law was identical for all; the customs varied enormously. Englishmen are familiar with the same fact to a small extent. In different parts of England "the customs of the country" in agricultural tenancies are very different. But they are generally confined to the agricultural management of the land, and do not, except in rare cases of small importance, affect the relative property of landlord and tenant in the farm; while they are often controlled to a greater or less extent by an actual contract in writing. In Ireland the case was very different. Though nominally subject to England for six hundred years, it has only been by gradual steps of conquest and legislation that English law has been brought into operation upon the island. Many customs of tenure consequently still survive in the habits and sentiments of the people, which are derived from every period of Irish history; the tenure of the land by septs or clans under native chiefs; the "settlements" in the sixteenth century of these septs or clans, notably under Sir John Davis; the "plantations" of Ulster and other parts with English and Scotch farmers; the modern purely commercial notion of freedom of contract in matters of land, and many other stages.

The best known of these is the "Ulster custom," or the aggregate of customs prevailing in the greater part of the province of Ulster. Even here the "customs" were not one; but they varied upon different estates, producing a general similarity of effect. Under all the tenant

took a definite interest in his holding, which the landlord could not extinguish, and which had its origin in the undoubted fact that, throughout the country as a rule, the tenants made the improvements in the holdings, of which just landlords would not, and unjust landlords were not allowed to, deprive them.

The general effect upon yearly tenancies is thus summed up by the judge who decided the case of *Graham v. the Earl of Erne* :—

“Common to all usages of tenant-right customs, there are five leading features which may be termed the essential attributes, viz :

“(1) The right or custom in general of yearly tenants, or those deriving through them, to continue in undisturbed possession as long as they act properly and pay their rents.

“(2) The correlative right of the landlord to raise the rent so as to give him a just, fair, and full participation in the increased value of the lands, but not so as to extinguish the tenant's interest by imposing a rack-rent.

“(3) The usage or custom of the yearly tenants to sell their interest, if they do not wish to continue in possession, or if they become unable to pay their rent.

“(4) The correlative right of the landlord to be consulted, and to exercise a potential voice in the approval of the proposed assignee.

“(5) The liability of the landlord, if taking land for his own purpose from a tenant, to pay the tenant the full value of the tenant right.

“These five elements I have found existing in every usage or tenant right custom that was proved before me, and the special characteristic proved in relation to the tenant right recognised on particular estates for the most part had reference to some limitation or restriction affecting the tenant in his right of sale, or to the mode to be adopted by the landlord in asserting his rights under the second and fourth of the above heads.”

The really essential point of the custom was the possession by the tenant of a saleable interest in the holding which the landlord could not abolish by eviction or by the arbitrary raising of rent. In order to secure this, a revaluation was from time to time made by a valuer who valued the farm exclusive of buildings and tenant's improvements, and fixed the rent accordingly. Sometimes the tenant right was limited to a certain number of years' purchase of the rent : in other cases, it was freely sold by public auction.

Such are the general outlines of the “Ulster customs,” which were

unrecognised by law before 1870, and were only maintained by the force of public opinion, the superior status of the tenants, and sometimes, unhappily, by acts of violence against the landlords who endeavoured to infringe upon them.

In the rest of Ireland the state of land tenure was by no means so easily defined. There were claims on the part of the peasants to tenant-right, in some places of a far more stringent character than the Ulster custom, but they were neither recognized by the law, nor so successfully enforced by usage. They had, however, a very substantial foundation in historical facts, to which it is necessary to allude. In the times of the native Irish chiefs, the lands were held by septs or clans in common. The chief held certain lands of his own "in desmesne," as it is called, and he also was entitled to certain dues or rent in kind from the other members of the clan, among whom the lands were parcelled out. The chief, too, had the power of rearranging the lands among the clan. In large septs, there were chiefs under chiefs, with families under them. This state of things involved uncertainty for the actual occupiers, both in tenure and in the amount of their payments, which depended upon the will of their chiefs. Accordingly, when many of the chiefs were proclaimed as rebels and defeated in the sixteenth century, it was thought advisable to subject such lands to a "settlement." Many of these settlements were carried out under Sir John Davis, who has himself left an account of what he did, and the principles upon which he proceeded. The lands held by the chiefs "in desmesne," were separated from the rest, and allotted to them, or to other persons substituted for them. The lands held by individuals of the sept or clan were, on the other hand, parcelled out among them, and the dues or rents in kind which they paid were commuted for a fixed sum. They were thus practically put into the position of freeholders, paying a small fee farm rent, or of copyholders of inheritance paying a quit rent. They were, in fact, peasant proprietors subject to a small rent. The object of Sir John Davis was to promote peace and prosperity, by giving to the individual occupiers (who before were collectively owners or members of the sept), security and separate ownership in a portion of the land of the sept. Had this settlement been upheld from that time, probably no "Irish Land Question" would have troubled England in the nineteenth century. But the history of Ireland has been a disturbed one—in no century more so than in that which followed these "settlements." English

Governments were incessantly changing the ownership of the lands, especially of the chieftains' lands, by confiscation and regrant to court favourites. Whole counties changed hands at the bidding of an English sovereign, and were given to English and Scotch nobles, who probably knew nothing, and certainly cared nothing, about the welfare of the Irish peasants. All the force of English law helped the former, at the expense of the latter: and ultimately, after two centuries of English confiscation, Irish rebellion, and English retaliation, the whole system of the settlements was upset. The peasants, to whom security and ownership had been given, were held even by the law to be mere tenants at will of the landlords who had succeeded to the lands of chiefs, were liable to be evicted at their order, and liable to pay any arbitrary rent that might be demanded. It is difficult to say over how much of Ireland these "settlements," afterwards so completely unsettled, were made. But it is well known that they largely affected the western part of Ireland, which has since given rise to so much trouble. Under these circumstances, it is not surprising that two entirely irreconcilable theories on the subject of land tenure should exist in the minds of landlords and tenants. The landlords, supported by the law as administered for over a century, and by their own practice, held that they were absolutely masters of all the land, and could let it or not, as they pleased, at whatever rent they chose to name. The tenants, supported by the settlements and by the tradition of centuries handed on in the struggles of themselves and their ancestors, maintained that they had a right of property in their holdings, which could not be taken away by their landlords just as English copy-holders have; and as the law would not support them, they endeavoured to enforce their own rights by self-help, and even violence.

This state of things continued after the Union in 1801, and with few alterations and in face of much agitation down to the year 1860. In that year an Act of Parliament was passed by which the relations of landlord and tenant in Ireland were to be completely regulated upon the doctrine of "freedom of contract," as it is called. This was nothing more nor less than a total adoption in principle of the landlords' view of the situation. Parliament deliberately gave its adhesion to the economical view of the question, putting everything else aside. The occupation of land was to be put on the same footing as the letting and hiring of furniture. No notice was taken of tenant right or any other claims of the occupiers, whether in Ulster or elsewhere, and the land-

lords were practically invited to act upon the principle, that land belongs to the landlord, and the only test of fair rent is what the land will let for in open competition. No doubt there is much to be said, from an economical standpoint, for this view of the question. It is impossible to judge what might have been the success of this Act, if it had been preceded or accompanied by some machinery for determining what amount of interest in the soil really belonged to the tenants, whether under the Ulster tenant right, or the settlements of Sir John Davis, or by virtue of their own improvements, or by other usages or customs. But this was not done. The actual result was to produce in a few years such an amount of discontent and disaffection, that the Fenian movement took rapid root, and was extensively supported by the whole population of peasants, who were really willing to remain peaceful subjects, and after ten years, the matter came before Parliament for serious reconsideration. It was under these circumstances that the Irish Land Act of 1870 was passed by Mr. Gladstone's Government.

That Act took a very singular form, owing mainly to two circumstances. In the first place, it was probably thought neither wise nor possible to reverse directly the carefully prepared and distinctly expressed policy of the Act of ten years before, which had sanctioned the view that the tenant had no right of property in his holding. In the second place, the Incumbered Estates Act passed in 1852 had established a court for the sale of heavily mortgaged estates, and had provided that the purchasers should have a complete parliamentary title. Under this Act many sales had taken place, and the purchasers had received the estates without any mention or notice of any such claims by the tenants. And it was considered that Parliament, even if it had done wrong before, must for consistency's sake, appear to stand by its own views.

The Act of 1870 had three main objects: (1) to give "security" to the tenants, (2) to encourage improvements, and (3) to enable tenants to become proprietors.

The first object—to give security to the tenants—was attempted by different methods in different parts of Ireland. In Ulster it was effected by giving to the Ulster customs the force of law:—

"The usages prevalent in the province of Ulster which are known as the Ulster tenant right custom are hereby declared to be legal, and shall in the case of any holding in the province of Ulster proved to be subject thereto, be enforced in manner provided by this Act."

In the same way similar usages, which might be proved to be in force in other parts of Ireland, received the sanction of the law. In neither of these cases was any attempt made to define the usage or custom. The effect of the Act is thus stated by the judge in the case of *Kevan v. Lord de Ros*: "Whatever practice prevailed for any reasonable time previous to the passing of the Act, and not imposed in contemplation of it was the tenant right legalised upon that estate, no matter what the tenant right might be in the district round about." Thus for each particular estate it became necessary to prove the particular form of tenant-right prevailing, before the relations and respective rights of landlord and tenant could be ascertained. It was open, however, for any tenant of an estate subject to these usages whether in or out of Ulster, to abandon his claim under the custom, and claim under the general clauses of the Act applicable to those parts where there was no such custom. The general effect of these clauses was as follows.

A tenant "disturbed in his holding by the act of his landlord," was declared to be entitled to "compensation for disturbance," over and above the "compensation for improvements," which was further given to tenants, whether disturbed by the landlord or voluntarily quitting their farms.

Before referring to this, it is necessary to point out that the tenancies to which this part of the Act applies are limited in nature and amount in two or three directions. In the first place, it is confined to holdings of an agricultural or pastoral character. It does not apply therefore, (1) to lettings of houses; (2) to lettings of lands taken substantially for residential purposes, although in part tilled or grazed; (3) to lettings of demesne lands, *i.e.* parks or home farms as they are called in England; (4) to lettings of town parks; (5) to holdings of hired servants or labourers; (6) to lettings for temporary grazing; (7) to holdings acknowledged in writing to be made for temporary objects; (8) to cottage allotments of less than a quarter of an acre.

In the second place, (1) holdings valued at £50 rateable value or more may be exempted from the operation of the Act by contract; and, (2) leases for 31 years or more are expressly ruled to be unaffected by the provisions for compensation for disturbance.

Subject to these limitations and exceptions, the amount to be allowed to a tenant for "compensation for disturbance" was fixed according to a maximum scale, which varied with the rateable value of

the holding, but was measured by the rent. The maximum scale of compensation fixed was as follows. If the holding were valued—

At or under £10 Government valuation, then 7 years' rent.

"	30	"	"	"	5	"	"
"	40	"	"	"	4	"	"
"	50	"	"	"	3	"	"
"	100	"	"	"	2	"	"
Over	100	"	"	"	1	"	"

but in no case is the compensation to exceed £250.

The "compensation for disturbance" was declared not to exceed this scale; but as no principle was laid down by which to regulate it, it has been customary to give the full amount of 7, 5, 4, &c. years' rent, as the case may be. One curious anomaly may here be pointed out in the principle of regulating the amount of compensation by the rent. The intention was to give the tenant some equivalent for his interest in the holding: but the interest of the tenant varies inversely with the rent, a low rented farm is of more value to the tenant than a high rented farm. Suppose two small farms rated at £5 each; the one rented at £10, and the other oppressively rack-rented at £20; the tenant of the former will receive £70 on being disturbed; while the latter will receive £140. The former whose interest was double, gets only half the compensation. It might be thought, however, to work a rough and ready justice by inducing the landlord not to rack-rent in fear of his obligation to pay heavy compensation. It will be seen that this has not been effectual.

Out of this compensation there are to be deducted all arrears of rent, and any damage for breach of agreements or covenants. Further a tenant may be deprived of all compensation for disturbance; if he (1) sublet or subdivide without written consent of the landlord; (2) let any part in conacre, in face of a written prohibition; (3) be evicted for non-payment of rent (unless the court shall think the rent exorbitant—which it never does), or for breach of condition against assigning, subletting, bankruptcy or insolvency; (4) give notice to leave his holding, and then fail to give up the land.

These are the main provisions of the Act with regard to "compensation for disturbance," which was the substitute provided by Parliament, for the historical claim of the Irish peasants to tenant-right in their holdings. The Parliamentary substitute is practically only conferred upon substantial tenants, never in arrear, when

ejected against their will by their landlord. The limitations, conditions, and deductions in effect take it away from almost all other tenants.

But besides the compensation for disturbance already described, the Act provided that (with one exception) every tenant on leaving his holding whether voluntarily or upon notice from his landlord, should be entitled to "compensation for improvements" if made by himself or his predecessors in title. The exception above referred to is the case of a tenant who, holding land at not less than £50 Government valuation, has contracted himself out of the provisions of the Act. The improvements for which compensation is to be awarded are such improvements as the court shall allow, subject to the following restrictions. No compensation is allowed for improvements—

(1.) If made twenty years before the claim, or under a lease for thirty-one years certain, unless it be for permanent building or reclamation of waste land.

(2.) If prohibited by the landlord in writing as being, and appearing to the court to be, likely to diminish the general value of the landlord's property.

(3.) If made in pursuance of a contract for valuable consideration.

(4.) If made in contravention of a contract in writing.

(5.) If the landlord had undertaken to make the same and has not failed to do so within a reasonable time.

(6.) If compensation is expressly excluded in a lease made before the Act.

(7.) If the landlord has given to the tenant upon reasonable terms permission to dispose of the improvements to an incoming tenant and the tenant has refused or neglected to do so.

In calculating the amount of compensation for improvements, the time during which the tenant has had the benefit of them is to be taken into account, and there is to be deducted from the whole any amount due to the landlord for rent, or as damages for breach of covenants, or agreements, or for taxes payable by the tenant.

The amount of compensation both for disturbance and for improvements in case of dispute is decided by the Civil Bill Court (which corresponds with the English County Court), or by arbitration. The tenant is entitled to hold possession of the farm until compensation has been paid by the landlord.

It may be well to consider first the effect of these provisions. . Par-

liament may have imagined that they had granted the Irish tenants the security of tenure which they claimed ; yet, eleven years after the passing of the Act, the complaints against the Land Laws are as loud as ever. Reasons are not difficult to discover. Parliament either mistook what was wanted or attempted to obtain its object indirectly, or, as frequently happens in Parliamentary government, made a compromise between inconsistent principles and satisfied nobody. What the tenants demanded was that so long as they paid a fair rent they should not be disturbed in their holdings ; the Act only made it expensive to turn them out. It recognised the interest of the peasant in his holding to the extent of his compensation for improvements and compensation for disturbance, subject to the exceptions referred to. But the only occasion upon which the tenant could enforce his claim was upon leaving his holding. Without the light of subsequent facts, that might seem to be a sufficient sanction of the principle of tenant right. But the ingenuity of land agents and lawyers was not slow to devise a system by which, wherever it is put in force, the tenant is deprived of all the advantages under the Act ; and it is very largely put in force. It is this. The Act does not prevent the landlord from raising his rent for improvements made by the tenant. Consequently upon any improvements made, the landlord raises the rent to the full yearly value of the improvements and recoups himself beforehand for the compensation which he will have to pay to the tenant. The tenant is thus paying interest in two directions upon the same capital, is unable to put by any savings, and is brought by the first or second year of bad harvest within the exceptions of the Act, and is evicted without compensation for disturbance. An example will illustrate this. A tenant takes a farm, worth say £100, for which he pays about £5 a year rent. He puts capital into it to the extent of another £100 in buildings and improvements, thereby doubling the value—not an uncommon proportion in Ireland of landlords' and tenants' capital. He has borrowed his £100 upon the faith of the Land Act, and pays at least £5 a year for interest. But his rent is raised £5, making in all £10 ; the improved value, as the land agent calls it. This goes on for, let us say, ten years—the time the Land Act has been in force. The landlord has now, without any industry or expenditure on his own part, put into his pocket £50, besides the interest he has received upon this ; amounting together to between £60 and £70. The bad harvest comes ; the tenant has been prevented from saving by paying

ten per cent upon his capital, and is behind-hand with his rent. He is, accordingly, "evicted for non-payment of rent," and loses his compensation for disturbance. He then makes his claim for compensation for improvements. Even if he get it admitted without the cost of unnecessary litigation, he will be a lucky man if, after some years of wear and tear, he gets back two-thirds of his outlay—that is, between £60 and £70, almost the exact sum which the landlord has put by for the occasion. In this way the landlord appropriates the tenant's improvements at no cost to himself. The law gives to the tenant in theory his right to compensation for improvements, but it enables the landlord to capitalise, out of the tenant's pocket, the sum necessary to pay for it, and at the same time surely to bring about the state of things which relieves him from compensation for disturbance.

It may be said that the tenant has a remedy in his own hands; that he may refuse to pay the rent; that he may leave the holding. But there are two answers to this. First, if he leaves of his own accord he loses his compensation for disturbance, which is only given upon ejectment. Secondly, if he leaves he is in no better position; the whole country-side is often in the hands of the same landlord, or of two or three large landlords, who act upon the same principles. The case is entirely different from that of England, for in this country the agricultural holdings constitute a small proportion of the homes of the people. In Ireland they constitute the greater number. In Ireland again the revenue from land is two-thirds of the whole revenue of the country; in England it is only one-seventh. For the whole century, and for a far longer time, the demand of the Irish peasants has been for security of tenure and not for money compensation upon eviction. Owing to the action of many landlords they are forced into a chronic strike against rack rent. The landlords, on the other hand, are in the impregnable position which English employers would hold if they were able not only to lock out their men from work but also to turn them and their families out of their homes in a part of the country where no other homes could be got except by concession to the employers' terms. The inadequacy of even the full compensation allowed by the Act under such circumstances is well illustrated by an actual case in the county Cork, which is thus stated by Mr. Justice Lawson, before whom it was tried:—"The facts are undisputed. A great many years ago this man became the yearly tenant of a little mountain tract or bog, containing 18 acres, at the yearly rent of £7 15s.; quite enough, considering what

the condition of the farm then was. This man, with that industry which very often characterizes people in his position, set about at once cultivating and reclaiming that piece of land, spreading lime on it, and gradually producing a better state than before. He so continued as tenant from year to year till 1869, when the present appellant induced him to take a lease for 10 years at the rate of £18 a year—a most enormous rent, for I don't think at any period the real letting value was more than £14 or £15 at its best state. Well, the man struggled, he paid his £18 a year for 10 years, and at the end of that time the landlord, in the undoubted exercise of his right, put him out. Having been put out, he values his claim for buildings, reclamations, fences, and unexhausted manures, and the chairman allowed him a certain sum of money, which, with rent and costs deducted, made the total amount of the decree £66 8s. 1d.; a sum, I am bound to say, inadequate to compensate this old man for having been turned out of his holding upon which he lived and laboured for so many years.' That, however, was all that he recovered, and the landlord was vexatious enough to appeal against this to Mr. Justice Lawson, who dismissed the appeal.

The exercise of this arbitrary power of enforcing rack-rent upon the improved value of every holding, whether that be due to the expenditure of the tenant or not, is at the root of the present difficulty. It is not only eating into the special rights to compensation given by the Land Act, but also is destroying the Ulster custom of tenant right. A holding which is liable to such arbitrary changes of rent at the mere will of the landlord, without an independent valuation, retains little or no saleable value for the tenant's interest. This is why the Irish tenants in Ulster and elsewhere are still more loudly than ever demanding from their landlords and Parliament fixity of tenure, fair rents, and free sale. The difficulty in granting these demands mainly arises from the fact that the Irish notions of land tenure are different from those in England. It is an open question which are the best. It was the opinion of Mr. John Stuart Mill that the Irish were right. "The Irish circumstances and the Irish ideas as to social and agricultural economy are the general ideas and circumstances of the human race. It is the English ideas and circumstances that are peculiar. Ireland is in the main stream of human existence and human feeling and opinion. It is England that is in one of the lateral channels." This may be right or wrong; the difficulty is that, whether

right or wrong, these are the Irish traditions and sentiments and opinions upon the matter ; while the majority of the Parliament which has to decide upon the future consists of Englishmen with different traditions and sentiments and opinions, and with very little consciousness that it can ever be wrong, or unwise, or impolitic, to legislate for other races upon English principles.

Before discussing the remedies which have been proposed, it may be well to describe the provisions of the Land Act which were directed to its third object, the creation of a peasant proprietary. The scheme enabled a landlord, whether the owner of an absolute or a limited interest, to agree with the tenant for the sale of the holding to the tenant. The agreement was to be carried into effect under the approval of the Landed Estates Court. The estate was to be conveyed in fee simple free from incumbrances, and the purchase money was to be lodged in court, and represent for all purposes the estates of those interested in the land. The Government was empowered to advance to the tenants, a sum not exceeding two-thirds of the purchase money repayable with interest by instalments. And the Landed Estates Court was directed, on the ordinary sale of estates under the court, to afford, by the formation of lots, reasonable facilities for tenants to purchase their holdings. Had a scheme of this sort been provided with an adequately simple and speedy machinery, it would probably have had great effect. But the expense of an investigation of title under the Landed Estates Court, the exceptions and restrictions contained in the Act and introduced by the Judges for the security of rent-chargers and others, have practically caused an almost total failure of the proposed object of these sections, even where both landlord and tenant were anxious to carry out their agreement. The cost alone is totally out of proportion to the purchase money of any small holding. It would not be difficult to imagine what would be the fate of any English Building Society, or Land Society, or Land Company, if every transaction had to go through the extravagant process of a sale in Chancery, or of an investigation of title in the Land Registry. But something analogous to this absurdity is expected to succeed in Ireland. On the other hand, a comparative success attended the scheme of selling Church lands to the tenants after the disestablishment of the Church. There the conditions were not so onerous, and some five or six thousand persons have become proprietors of their holdings in that way ; though even these conditions might be simplified and the facilities extended.

The Irish Land Act was, as has been stated, a compromise. But it was a step in advance—the insertion of the thin end of the wedge. It committed the English Parliament and Government to two principles, the principle of tenant right, and the expediency of a peasant proprietary. The questions which still remain to be solved, are to what extent these principles should be carried, and in what manner their operation should be secured. As far as the principle of tenant right is concerned, the proposition most largely advocated is that known as the three F's—that is, Fixity of tenure, Fair rents, and Free sale. But there is no very general consent as to the particular method or machinery for applying these maxims. Whether the fixity of tenure shall be subject to any and what conditions of forfeiture, such as for non-payment of rent, for waste, for subdividing, or subletting, without consent? Whether the fair rents are to be fixed once for all, and if so, how? Or whether they should be variable, and if so, whether by agreement or by independent valuation, or by the decision of a court? Whether the free sale shall be subject or not, as now in Ulster, to the approval of the landlord, or to any other conditions? All these matters are canvassed.

A few actual experiments have, however, been made in the course of the past ten years, which are of interest and value in their bearing upon these questions. Notable among these are what are called the "Portacarron Lease," and the "Longfield Lease," which are attempts in different directions to settle some of these questions.

The Portacarron Lease was drawn up in 1870, as the result of an arbitration between Captain Nolan and some tenants of his. The arbitrators were Sir John Gray, Father Lavelle, and Mr. A. M. Sullivan. The document was apparently framed with the object of sketching out a plan which would admit of application to any part of Ireland. Fixity of tenure was secured by granting a term of 10,000 years—practically a lease for ever—subject, however, to forfeiture for non-payment of rent, subdivision, sub-letting or waste. There were also reserved to the landlord the game, the woods, the minerals, the quarries and the watercourses.

Fair rent was secured by a sliding scale which caused it to vary with the variation in price of the ten principal articles of farm produce, wheat, barley, oats, potatoes, hay, wool, beef, mutton, pork, and butter. The prices of these at the date of the lease are set out in a schedule, and one-tenth of the rent is considered as invested in the

purchase of each of these articles. After any ten years the landlord may claim an increase, and the tenant a decrease, of rent ; and the claim is to be decided by reference to the average price of each of these articles during the preceding ten years. If the sum of such average prices added together exceeds or falls short of the sum of average prices set out in the schedule, the rent is to be raised or lowered accordingly. But no change is to be made unless the excess or deficiency amounts to one-tenth of the whole. The average prices and the increase or decrease of rent are to be ascertained by arbitration or by agreement.

There is no condition against assignment of the whole farm, whether with or without licence ; free sale is consequently granted in its fullest shape.

Nothing could be more satisfactory in principle than the fixity of tenure and free sale accorded by this form of lease. The provisions also for ascertaining the fair rent seem to be well adapted to avoid, and have, in fact, resulted in the avoidance of disputes upon this subject. It is doubtful, however, whether the principle of a fall or rise of rents, according to the price of farm produce, without regard to the amount of production on the particular farm, is altogether a sound one. The price of these ten articles in Ireland is and will probably be regulated by the amount of foreign, and not of home production. A sounder principle, if it could be adapted to the case, would be one which should make the variation of rents depend upon the variation of the value of the produce of the farm itself. But this would probably be a matter of much difficulty. It may be noted that the Portacarron Lease does not affect to deal in any way with the conversion of the tenant into a proprietor.

Another practical attempt in another direction has been made by what is called the Longfield Lease, after Judge Longfield, one of the authors of it. Its object, as described by Professor Cairnes, was to give to the tenant the power of knowing and defining his interest in his holding by the purchase of what was called Parliamentary Tenant Right at a certain number of years' purchase of his rent, *e.g.*, seven years. If a tenant hold a farm of 50 acres at the rent of £1 per acre, his Parliamentary tenant right would amount to £350. A part of this sum would be actually purchased by him in cash, another part would be allowed for an outlay for permanent improvement, and a third part would be allowed to the tenant, in respect of a good-will or

occupation right. If these three portions were equal, the tenant would pay or lay out upon the farm about £230, as the purchase money of a tenant right of £350. After this transaction is complete, the tenant has the advantage of knowing his position, he cannot be evicted without payment by the landlord of £350, or seven years' rent. No court or litigation is needed to settle the matter. This, however, is not all.

In this scheme, too, an attempt is made to provide for fair rents in the following manner. If the landlord raise the rent from £50 to, say £60, the lease gives to the tenant the option of at once leaving his holding, and, in that case, the Parliamentary tenant right is valued at seven years purchase of the enhanced rent; that is to say, at £420. In other words, the landlord cannot raise the rent without exposing himself to an immediate fine of seven times the amount of the increase. Conversely, if the tenant demand a decreased rent, the landlord may give him notice to quit, and pay him out at seven years' purchase of the proposed decreased rent.

In this lease also there appears to be no restriction upon assignment, and the lease contains provisions for making it renewable for a term of two hundred years, subject to any readjustments of rent that may be agreed upon.

The main advantage of a Longfield Lease is that it puts both landlord and tenant at once into the position of certainty as regards the respective value of their interests, and it apparently allows free sale. But the provisions with respect to fixity of tenure and fair rents do not seem satisfactory. It relies for this purpose upon similar machinery to that which is embodied in the Land Act. It makes it an expensive luxury for a landlord to raise the rent and turn out the tenant, that is all. There is nothing in it which prevents a landlord who has command of ready money, from clearing half a county of hundreds of families. The only advantage is that families so evicted, will be provided with a certain amount of cash, and will not immediately be dependent upon poor relief. In the case, however, of small holdings, the seven years' rent which includes every sort of compensation whether for improvements or disturbance, will evidently not constitute a fortune. Like the Portacarron lease, this scheme also makes no provision for the conversion of tenants into owners.

The creation of a peasant proprietary, which is adopted in principle by the Land Act of 1870 and supported by most Irish land reformers,

is usually considered entirely apart from the general question of tenure between landlord and tenant, and as a thing to be sought for by entirely different means. Propositions are made for the simplification of existing machinery, for advance by the government of a larger proportion of the purchase money, for an extension of the powers of limited owners and other such plans. It is doubtful, however, whether any such means will be sufficient without a very considerable modification in the general law of real property by adapting it to the requirements of dealing in small properties.

Mr. Charles Russell has, however, the credit of having devised a simple and exhaustive scheme for combining a remedial measure with regard to land tenure generally, with the gradual and extensive creation of an occupying proprietary. This plan was founded upon a thorough application of the three F's in their most extensive meaning. The following are the main outlines :—

(1.) Every actual occupier of a farm who has been in occupation for a certain time, say ten years, would have the right to demand from his landlord a lease for ever, subject only to forfeiture for non-payment of rent, (in extreme cases where the rent could not be otherwise recovered,) and perhaps for subdivision, sub-letting, and waste.

(2.) The rent would be a fixed rent, to be fixed either by agreement or by arbitration. The basis of this rent would be neither the government valuation nor the actual rent, but a fair valuation, taking into account, in the tenant's favour, improvements made by him or his predecessors in title. The rent so fixed would be in the nature of a fee farm rent or rent charge, with powers for its recovery usually incident to such rents and well defined.

(3.) Mines and minerals would be reserved for the landlord.

(4.) There would be no restriction upon the tenant's charging or selling his interest, but in certain cases of breach of covenant the landlord might have a right of pre-emption.

(5.) After fixture of the rent, the tenant would have the right at any time to buy up the rent or a portion of it at a fixed number of years' purchase, say 25 years. But he would not be allowed to buy up less than £1 of the rent at each instalment. Thus a tenant holding at £10 a-year rent would be enabled by a payment of £25 after proper notice to diminish his rent by £1 a year and to hold in future subject to a rent of £9 a-year only. This he might repeat until by ten payments of £25 he has extinguished the whole of his rent and become

the owner of the land, subject only to the reservation of mines and minerals to the landlord.

It will be seen that this scheme goes the whole way of satisfying the demands of the most ardent supporters of the three F's and provides a self-acting machinery for the creation of peasant proprietors. In the first portion of it, it aims at replacing the peasants of Ireland in the position in which they were actually placed by the settlement carried out under Sir John Davis, at the end of the sixteenth and beginning of the seventeenth centuries. It is open to the charge which has been made against it of injustice to the landlords in the fixing of the rent once for all, thereby shutting them out from what is called the "unearned increment," in the progressive value of land. But it has already been shown that from a historical point of view they are not entitled to this, and that they have for two centuries and a half since the settlements of Sir John Davis had all the advantage of this increment which would have belonged to the tenants if those settlements had not been upset in the confusion of wars and rebellions which followed. From an economical point of view, too, it would seem that in Ireland this unearned increment should of right belong to the tenants, who, by their expenditure of labour and money, have in most instances actually produced the increase in value so far as it has been earned. There should then be no objection in theory to handing over this benefit to the tenants for the future. And there is a great weight of argument from practical considerations which would support such a measure. For the unearned increment would go into the pockets of some 600,000 families of tenants, instead of some 10,000 families of landlords, and would tend to produce a great amount of competency and content in the whole population of Ireland.

There is another advantage in Mr. Russell's scheme. A common objection to a sudden creation of a large number of peasant owners is, that the thrifty and the thriftless are alike benefitted, that a large number of the holdings would be immediately incumbered, shortly brought into the market, and again accumulated in the hands of large owners. But the proposal of allowing the tenants to buy up their rent by instalments, would by a natural process confine the number of those who would achieve their own emancipation to the industrious, the thrifty, and the prudent. At the same time, the right to sell the tenant's interest in his lease for ever would, by an equally natural process, gradually eliminate the thriftless from the number of competi-

tors for ownership in favour of others more prudent. This gradual process of selection would moreover operate without the amount of distress and hardships involved in wholesale eviction.

These are a few of the most prominent among the remedies that have been formulated for the present distress and disaffection in Ireland. It is probable that more of them will be adopted, simply or in its entirety by the government, which by the nature of its position is almost always obliged to compromise. Not only the Government, but both Houses of Parliament are full of landlords immediately and intensely interested in their view of the question. On the other hand, the tenants have to rely only upon the force of public opinion as expressed in the evidence and reports of Commissions upon the subject and in the action of the Land League.

Neither the landlords nor the tenants can expect at the present day complete satisfaction of their demands. But the more the Government and Parliament can see their way to adopting some such scheme as that of Mr. Charles Russell, the nearer they will approximate to a solution of the Irish land difficulty and the establishment of peace and prosperity in Ireland.

CHAPTER XLVI.

PRACTICAL CONSEQUENCES—MORE COERCION—THE WEST-MEATH ACT—EVICTION AND RETALIATION—ASSASSINATION OF THE EARL OF LEITRIM.

THE Irish Church Act of 1869 did not pacify Ireland. No doubt it pleased a good many Irish people, but it offended a good many more, and the bulk of the population cared nothing about it. Such Parliamentary milk had no attractions for them : they wanted strong meat, enough to satisfy the growing appreciation that land law of the right sort was the one thing needful.

Because the Government gave the first preference to religious sentiments and deferred the consideration of far more important secular facts, great umbrage was taken in the popular ranks. Discontent was hence propagated afresh, and manifested itself in such violence that early in 1870 a Peace Preservation Act had again to be passed, the very same referred to as our example in one of our earliest chapters—another humiliating confession of this failure of Union legislation. Yet, notwithstanding that failure, the leaders of the Government, never doubting the ability of the English to legislate for the Irish better than the Irish could for themselves, tried their hands again upon the Land Act described in the last chapter. There is no doubt that that Act was a thoroughly honest effort to do the right thing, as far as the very limited ability of the United Parliament was able to do it—to the best of its understanding, which was not much. Judging from the speeches of ministers just then, it was, and was to be, a piping time. The English Parliament piped vociferously, but, alas, the Irish people refused to dance. What seemed to the fathers of the Land Act baby such sweet music was to the Irish a discord and a mockery. Of the evidence of this we have only to look at the legislation of the following session.

In 1871, not only was the Peace Preservation Act renewed ; that

was not enough. There was also passed, on the 16th of June as cursorily noticed in an earlier chapter, an "Act to empower the Lord Lieutenant or other chief governor or governors of Ireland to apprehend and detain for a limited time persons suspected of being members of the Ribbon Society, or of being concerned in the commission of any crime or outrage under the direction or influence of the said Ribbon Society in the county of Westmeath, or in certain adjoining portions of the county of Meath and the King's County." This Act, though previously mentioned as an example amongst others, demands separate notice in this place. It was officially designated "The Protection of Life and Property Act," otherwise familiarly spoken of as "The Westmeath Act." It recites that, notwithstanding the Church Act—so charitable, and conciliatory, and self-sacrificing ; notwithstanding the Land Act—so wise, so good, and so beneficent—"an unlawful society, combination and confederacy of a secret nature, generally known by the name of the Ribbon Society, at present exists ; and, owing to the prevalence of the said society, murder and other crimes of the most serious nature have been perpetrated within the districts above referred to, and by reason partly of sympathy with the perpetrators of such crimes, and still more by the terror created by the action of the said society, the existing laws have been found to be insufficient for the due protection of life and property."

The "existing laws" included all the Constabulary Acts before referred to ; innumerable Acts against unlawful oaths, expressly intended to render secret societies impossible ; and the Peace Preservation Act of the previous year that was still in force. Turning to the provisions of the last named Act, any inexperienced person might suppose that it gave the Lord-Lieutenant power enough in all conscience ; and if it did not, all the worse for the reputation of those who enacted it. At any rate, after the prolonged experience of seventy years, the United Parliament again confessed that its existing laws were insufficient. So the Ministry and the Parliament went at it again, with a view to making this Westmeath Act the hottest ever turned out. This, of course, was done, after the United Parliamentary manner, in as obscure and involved a fashion as possible, to conceal the intention from the rascals for whom the heat was designed, so that they should not know anything about it until it came down upon them unawares. Previous Coercion Acts had been limited to deeds and designs current or suspected after the passing of each

Act respectively, and during its continuance. The Westmeath Act applied retrospectively, and it was managed by inserting into a prodigiously long section of desperately involved language the cunningly devised words, "being or having been either a principal in or an accessory before or after the fact to any felony, or a principal in any misdemeanour, committed, or deemed by the Lord-Lieutenant to be reasonably suspected to have been committed." There was, however, a qualifying clause of a new character, which provided that all arrested under it should be treated, not as convicted, but as untried prisoners.

The Westmeath Act, though not so on the face of it, was a suspension of Habeas Corpus with reference to every person in any proclaimed district who was a ribbonman, or a correspondent or associate of a ribbonman, and every person coming under the description involved in the preceding quotation. There had always been suspicions of secret societies of persons supposed to be known as ribbonmen, and as there was nothing else convenient to ascribe the increase of outrages to, the suspicion of ribbonism, as it was called, was as good an excuse as anything else. Whether such a secret society existed then or at any time of any importance, no one is qualified to say but a ribbonman himself, and if a ribbonman betrays the secret he is quite as likely as not to betray the person who believes what he says on the subject. It seems, therefore, needless to pretend to know what ribbonism really meant then or at any other time. The supposed ribbonism, as well as the Act, died out on the 1st of June, 1873, though the Peace Preservation Act remained in force with the Conservative modifications before remarked upon.

In defiance of, or in consequence of, the Church and Land Acts, and the Coercion Acts, legal outrages in the shape of ejectments, and illegal outrages in various forms of retaliation raged from 1870 and onwards. For the most part, both kinds of outrage were regarded as so much matters of course, that little prominence was given to them in the papers. English people of that time superciliously remarked that Ireland seemed to be getting on about as usual, little appreciating the awful depth and severity of the misery that was being wrought. Only a glimpse of the character of the events going on was occasionally vouchsafed, of which the following is an example.

The papers of April 29th, 1871, contained an account of an illustrative eviction scene in Ireland. An old man named Shea was tenant of a market-house at Dunmamoay, in Cork county. The landlord,

Captain Shulldham, wished to evict the old man under a decree obtained at the Bandon sessions. Shea was nearly eighty years of age, and both he and his family were exceedingly popular in the district. A first attempt to enforce the decree was abandoned through threats of opposition. A second attempt at eviction being anticipated the market-house was regularly fortified. The lower part presented its usual appearance, but the upper portion was garrisoned by the family and their sympathisers. The weapons of defence consisted of pikes, pitchforks, piles of stones and brickbats, and holes were bored through the floors and ceilings for the purpose of efficient discharges of the missiles. A body of ninety constabulary advanced in three columns to the attack. A crowd tried to prevent their approach, but the police forced their way through with fixed swords. The women of the mob made a strenuous resistance. A "redoubt" in front of the building was held by a group of women under the command of the Miss Sheas, the daughters of the tenant, and while the constabulary were trying to capture this position a pike was being thrust at them by a sentinel stationed at a window overhead. After a brief consultation, the authorities commenced to demolish the woodwork of the internal staircase leading to the loft, and as the heavy blows and crash of timbers resounded through the building, they elicited shouts from the people without. As the work of demolition progressed, the crowd got more and more excited, and the police had some difficulty in holding them back. The pikeman at the upper doorway, under whose feet the assault was being made within, exhibited the utmost composure, calmly smoking his pipe, and nodding assent to the exhortations of the crowd to "pike 'em." Hot work progressing, the fabric falling with loud crashes, the pikeman vanished into the interior amid cries of "Bravo, John." The platform at the head of the stairs being smashed with a sledge hammer, pikes, iron bars, and a long knife were thrust down through the holes above. One of the pike-thrusts having slightly wounded a bailiff, orders were given to "Fix swords" and load!" The police then returned the pike-thrusts with their swords, and constable Kilroy made a dash at the pike that wounded the bailiff, and wrenched it from the grasp of its holder. The noise of the struggle increased; the excitement of the crowd was intense, but no attempt at active interference was made from that quarter. Shortly afterwards the entire cordon of police fixed swords, the utmost vigilance being needed to prevent the line being broken. Crash followed

crash from the blows of the sledge hammer, and, in the end, the police succeeded in the eviction.

What became of the evicted does not appear. Very likely the old man soon died—possibly in a ditch. Who cared? Who shuddered? The famine had so familiarized the people and the journalist with such scenes and such deaths, that they were suffered to pass without much observation. That eviction, of its kind and character, illustrating the resistance of a whole nation to the laws imposed by another nation, was only one amongst hundreds and thousands proceeding between 1870 and 1878, the Land Act having rather stimulated the process than otherwise.

All the time, England slumbered upon the delusion that the Land Act was bringing peace and plenty. The Liberal papers continually said so, for it was their cue so to say. The Conservative papers did not want to disturb the slumber, and so, in common with their contemporaries, kept it all dark. An obscure landlord shot now and then; two or three jumping agents brought down from time to time; gaunt starvation stalking the land, and the grimmest kinds of grim deaths occurring every day;—what was all that compared to the news from Constantinople and Afghanistan, and other quarters that looked so much more interesting at their greater distances from view?

On the 2nd of April 1878, the monotony of Irish news was broken by the assassination of the Earl of Leitrim. He had resided at Milford in Donegal, and he left his residence, Manor Vaughan, accompanied by a clerk named Meekins, and was driving on an outside car to Derry to meet his solicitor there. About five miles towards Derry was a plantation. The Earl's valet followed in a tax-cart, being about a mile behind, and, on arriving at the plantation found his master and the clerk lying shot dead in the road, and the driver shot dead in his seat. It was supposed that the assassins had concealed themselves in the plantation and had fired from thence, and that they made their escape in a boat across Mulroy Bay.

There was, and is no doubt, the murder arose from agrarian causes. It was committed near a farm, from which a widow named Algoe, a respectable Presbyterian, had recently been evicted. The relations of his lordship and his tenants were always the reverse of friendly; though kind and liberal, according to his lights, he was extremely exacting with his tenants, visiting with unsparing severity any infraction of the arbitrary rules he imposed. Many evictions had recently occurred,

and eighty more were in process on his estate at the time. He had previously been murderously attacked, but had succeeded in seizing his assailant. He indulged in eccentric forms of resentment, and made himself generally a mark to be shot at. It was a common observation that the wonder was he had not been assassinated years before, and there was really little wonder that he was fatally hit at last. Some persons were arrested by the police, but there was not a particle of tangible evidence to justify their detention, and they were released. That is all that is publicly known as to the discovery of the perpetrators; but the Peace Preservation Act was in force. It did not prevent the murder. It did not assist in the discovery of the murderers. If, in such a flagrant day-light case as that, the Act was so utterly powerless, of what possible use was it at all? It is a striking illustration of the truth that that Act, and all such, so far as the prevention or punishment of crime are concerned, are all sound and fury—especially fury—signifying nothing.

There is another consideration. By that time, the lapsing of the Wesmeath Act had occurred five years previously, without remark or attempt at renewal. This is sufficient acknowledgment that the ribbon societies, if they ever existed in reality at all, had ceased to be influential. The Land League was not in existence till a year afterwards. No one (even the most unscrupulous vituperator), ever ventured to suggest that the Home Rule League had anything to do with that murder. The Fenians were all in America. There was no other known confederacy of any kind upon which the crime could be fastened. There is but one conclusion. The murder was retaliation for a specific injury inflicted by the murdered man, for which the law provided no legitimate redress. There are bounds to endurance in such cases, and the bounds were passed then. Would it were the only case! Had it been a mere servant of his lordship, or some unfortunate understrapper of the law, probably no one in England would ever have heard of the event.

CHAPTER XLVII.

HOME RULE.

WHILE Ribbonism and Fenianism, and other suspected secret societies were lurking and burrowing amongst the dark places of Irish life, between 1870 and 1880, there arose into the light, parallel therewith, an entirely new movement of a public and openly avowed character, under the designation of Home Rule.

Home Rule was and is, either a new form of the demand for the Repeal of the Union, or first cousin to it. The distinctive point about Home Rule is the manner of its initiation. We have remarked that (omitting the indifferent) the Irish Church Act offended a good many more Irishmen than it pleased. Amongst those who were deeply offended by it was Isaac Butt. It transformed him from a highly respectable and well connected barrister into a political agitator. As a devout Protestant, who presumably knew something of the law and its basis, he perceived that the Church Act really destroyed the fundamental principle of the Union; and, as he and his Protestant friends had therefore nothing more to gain by the Union, and no ground left for adhering to it, they very soon came to a new understanding on the subject.

Butt had been brought up in all the most respectable traditions of the Union. Therefore, it was only by slow degrees that he could adapt himself to the new order of things. The idea of Home Rule was originated by Protestants, most of whom were Conservatives and leading citizens of Dublin. After some preliminary consultations, they held a formal meeting at the Bilton Hotel, Sackville Street, Dublin, on the evening of the 19th of May, 1870. The chair was occupied by Alderman James W. Mackay, more than once Lord Mayor of Dublin. After much discussion it was "proposed by Isaac Butt, Q.C. : That it is the opinion of this meeting that the true remedy for the evils of Ireland is the establishment of an Irish Parliament with full control

over our domestic affairs." Out of that meeting there was formed, on the basis of that resolution, the "Home Government Association of Ireland." Butt was the acknowledged leader, and the Association proceeded to organize and operate with a view to promoting its objects. This went steadily on until 1873, when, in November, there was held a three days' conference in the Rotunda, Dublin, at which the following resolutions were passed :

"That, as the basis of the proceedings of this conference, we declare our conviction that it is essentially necessary to the peace and prosperity of Ireland, that the right of domestic legislation on all Irish affairs should be restored to our country.

"That, in accordance with the ancient and constitutional rights of the Irish nation, we claim the privilege of managing our own affairs by a Parliament assembled in Ireland, and composed of the Sovereign, the Lords, and the Commons of Ireland.

"That, in claiming these rights and privileges for our country, we adopt the principle of a federal arrangement, which would secure to the Irish Parliament the right of legislating for and regulating all matters relating to the internal affairs of Ireland, while leaving to the Imperial Parliament the power of dealing with all questions affecting the Imperial Crown and government, legislation regarding the colonies and other dependencies of the Crown, the relations of the empire with foreign states, and all matters appertaining to the defence and stability of the empire at large ; as well as the power of granting and providing the supplies necessary for Imperial purposes.

"That such an arrangement does not involve any change in the existing constitution of the Imperial Parliament, or any interference with the prerogatives of the Crown, or disturbance of the principles of the constitution.

"That, to secure to the Irish people the advantages of constitutional government, it is essential that there should be in Ireland an administration of Irish affairs, controlled, according to constitutional principles, by the Irish Parliament, and conducted by ministers constitutionally responsible to that Parliament."

There were fifteen resolutions in all, but the above five embody the principles of Home Rule as then understood by its originators. One of the remaining resolutions was, "That in order to carry these objects into practical effect, an association be now formed, to be called the 'Irish Home Rule League,' of which the essential and fundamental

principles shall be thus declared in the resolutions adopted at this conference, and of which the object, and only object, shall be to obtain for Ireland, by peaceable and constitutional means, the self-government claimed in those resolutions." The rest of the resolutions provided that the annual subscription of each member should be one pound, and other regulations appertaining to management.

As a result of that conference the Home Government Association was merged into the Home Rule League, and, as Home Rule, the movement has been conspicuously recognized ever since. About the time of the formation of the Home Rule League, the majority of Mr. Gladstone in Parliament had become doubtful. The Irish legislation of the Government had failed. It had promised peace, and the only evidence about the peace was the passing of four Coercion Acts, one of which was still in force and in full swing. Mr. Gladstone found the reins tangling in his over-strained hands. The electors of Stroud succeeded in returning a Conservative at a by-election, and Mr. Gladstone dissolved Parliament. In that spirit he appealed to the country. The consequence was a Conservative Parliament, with a resistless Conservative majority. The result was hailed by Conservatives as a re-action. It was pretended that votes had been transferred from the Liberal to the Conservative side. The real truth of the matter was that the Liberals were largely indifferent and did not vote.

At any rate there was a Conservative Parliament, and the Gladstone Government having promptly resigned, the Conservative Government of Mr. Disraeli succeeded. The Irish knew that from such a Parliament and Government they had no concessions to expect, but as they had already been disgusted and exasperated with the shortcomings of the previous boasted period, they were rather pleased than otherwise at the castigation the country had so deservedly administered, and so they were willing to put up with their share of the consequences. It has been the fashion to pretend that the Liberal Government handed over to the Conservatives a regenerated and contented Ireland. The last few pages, and especially the account of the Westmeath Act, will dispel that fond illusion. The Conservatives found the last Liberal Coercion Act already in their not unwilling hands, and all they had to do was to renew it, as a matter of course, as described in our early chapter in which the particulars are given, the Conservative renewal being much more liberal than the Liberal original.

The real cause of the comparative pacification of Ireland was the

popular hope that had been inspired by the Home Rule movement. The proposition, from the Irish point of view, was so reasonable that there was a wide-spread expectation of its early success, for which the people were willing to wait for a time. Probably the willingness to wait was increased by the coming in of the new Government. Conservatives had proved to be squeezable before, and might prove to be so again.

Butt was still the acknowledged leader of the Home Rule party. His policy in Parliament, from the first, had been to induce the appointment of a committee to inquire into the claim for Home Rule. In the Parliament of 1868, his proposal had been laughed to scorn. After the election of 1874, he tried again and persevered in doing so, with no better result. There was the perpetual Irish patronage to be defended, and both Governments were alike determined to stand by that engine of underground power as long as they could, by hook or crook, hold on to it. There were too many members on the one side, who were afraid of their landed interests being interfered with ; there were too many on the other side who were making fortunes by running Irish produce over to England, who feared the Irish, with Home Rule, might contrive to keep the produce for their own eating, and so spoil the little game of speculation such very honourable members were engaged in. These two opposite elements united in that if in nothing else, to lead the ridicule, and vituperation, and false representations with which Butt was at all times met ; and the rest of the Parliament, for the most part too well-fed, and too idle, or too indifferent, let the tenderest parties have it all their own way, and so Butt, and his party, and his proposals, were laughed down, or bullied down, or sneered down, and sat upon generally, year after year.

As time went on, a section of the Home Rulers, who had assented to Butt's leadership, began to doubt his fitness for the post. This section adopted the designation of the "active party"; and, while Butt was all for politeness and consideration for those who led the opposition to Home Rule, the active party were in favour of availing themselves of the forms of Parliament. Out of this arose what came to be called "obstruction." The Irish can scarcely be said to have originated it. It had frequently been a weapon ready to the hand of Conservatives from time immemorial, and had been raised by them to the dignity of a cultivated instrument during the Parliament of 1868. The Irish thought they might advantageously take a leaf or two out

of that obstructionist book, and now and then took one. But it required the exercise of much conviction of its necessity, and still more determination, to carry the conviction into effect, and Butt was opposed to it, so it made little progress prior to 1875, as Butt set his face against it, and the party who had become accustomed to his leadership hesitated to oppose his wishes by carrying matters to extremes. The compulsory submission, thus forced upon the active party, afforded all the more leisure for reflecting upon and bitterly experiencing in practice, the hypocritical pretence of representation to Ireland embodied in the terms of the Union, with a proportion of only about one to six accorded to the Irish.

Such was the state of affairs to the end of March 1875. In the following month, in consequence of the death of the member for Meath county, there was returned to Parliament for the first time, Mr. Charles Stewart Parnell, a descendant of Sir Henry Parnell, who refused to be bribed with a peerage that was offered to him if he would promote the Union. Another of the new member's family is referred to in a previous chapter, and the new member himself, at the time of his election, was a considerable landowner with social connections of the best rank, a Protestant and a Home Ruler, and only 29 years of age. His entry into Parliament was the commencement of a new era. He made his mark immediately. He sympathized with the active party. He owed no special allegiance to Butt; and, moving independently of him, became, by the spontaneous action of events, the leader of the active party. From that time obstruction became the prominent weapon of the Irish. It was not every Irish member who had the independence, and courage, and skill to use it effectively, for, as usual, something like half the forlorn hundred either held government positions already or were in anxious hope of holding such positions, if they behaved themselves with the decorous dissimulation that their political godfathers and godmothers had taught them best became such hungry waiters upon official providence. There is no proof that Butt was influenced by such considerations, but he was at least a Q.C., which is something; and there are not a few who would probably consider that a sufficiently distinct mark of the beast of official corruption. However that may be, Butt lost force and influence from that time. With the burden of the Q.C. upon him, and all its shackling associations, he lacked the necessary robustness of sentiment and energy necessary for the the post, and there was,

perhaps, just a tinge of jealousy of a rival young enough to be perhaps mentally regarded as rather an upstart. All that has ceased, however, to be of much practical interest, as Butt, after virtually relinquishing the leadership of the Home Rule party, and having been formally superseded therein, died on the 5th of May, 1879.

Mr. Parnell, being heart and soul in the Home Rule movement, stirred up the people of Ireland and also the Irish residents of England, and the latter, fired by their young champion with a newly-aroused enthusiasm, convened a meeting at Birmingham in 1874, and there founded the "Irish Home Rule Confederation of Great Britain." This Home Rule Confederation, quite independent of the League, has for its motive the statement of the principles previously described as the basis of the League, and with all other rules consistent therewith, its field of operations is limited to England, Wales, and Scotland, and its special mission is declared to be "in all places in which it may appear advisable, to organize and make available the electoral and political power of the Irish population resident in Great Britain ; and by means of the local associations to secure to that population the enjoyment of every franchise to which they are entitled, and to take means that in all future elections, parliamentary and municipal, the entire influence and voting power of the confederation shall be thrown in with the candidate pledged to Home Rule for Ireland, irrespective of any other question, party, or interest."

At the end of 1880, the confederation had more than 130 branches in active operation. Amongst other things it claims to have turned out Mr. Lowther from York, and Mr. Yeaman from Dundee, to have prevented Mr. Plimsoll from getting in for Liverpool, and possibly Mr. Lowther for East-Cumberland. No doubt it limited the numbers polled in each case, and, may be, decided the ultimate results. It was claimed at the general election of 1880 that it held the balance of parties in 36 boroughs.

The League, with its head office in Dublin, and the Confederation, with its head office in London, being in active operation, their proceedings could scarcely fail to promote the consideration of Home Rule in a sense favourable to its concession.

CHAPTER XLVIII.

GRIFFITH'S VALUATION.

THE valuation of the land of Ireland, as the basis of assessments for local rates, was first regulated by statutes in 1826 and 1836, and the valuation authorized by those Acts is called Griffith's Valuation, under the following circumstances.

Mr. Richard Griffith (whose name became so prominent in 1880) was a public officer who, in the autumn of 1809, was selected by Commissioners who were appointed to inquire into, and report upon the bogs of Allan. He must have graduated considerably before then, as his salary was fixed at three guineas per day. In 1812, he was elected Professor of Geology and Mining Engineer to the Royal Dublin Society, and, as such, made sundry geological and mining reports, the map that resulted being published in 1815.

As a consequence of the famine of 1822, he was appointed Engineer for the construction of the roads then commenced by the starving people of Cork, Kerry, and Limerick counties, which he subsequently carried forward to the extent of 250 miles, in districts of those counties where there had previously been no roads passable for wheeled conveyances. From 1824, and for some years afterwards, he was engaged in boundary surveys, his salary continuing at three guineas per day.

Such being the character of his experience, he was, in 1826, invited by Chief Secretary Goulburn to assist in preparing a Bill for a general valuation of Ireland, and the eventual results were the Acts previously referred to, under which he was appointed Commissioner of Valuation, at a salary of £500 a year, as fixed by the Act. In 1844 he prepared a memorandum of the outline of the system he adopted, from which we make the following extracts.

"I would observe that the value set on land by the valutors em-

ployed on the general valuation, is proportioned to the value of the produce, according to the following scale :—

Description.	Value at per Statute Acre.	Proportion of Produce taken as the Rent, by the Valuators.	Usual proportion paid where Land is let at high Rents.
Arable Land, - -	from 20s. to 30s.	one-fourth	one-third
Ditto, - - -	„ 10s. to 20s.	one-sixth	one-fourth
Ditto, - - -	under 10s.	one-eighth	one-sixth
Pasture Lands, - -	from 20s. to 30s.	one-half	two-thirds
Inferior and Mountain Pasture, }	- - - -	one-third	one-half

“The proportion which the rent should bear to the produce, on good arable lands, has usually been set down, in Scotland, at one-third, and for inferior lands, at one-fourth; and, taking this as the key, it would appear that what I call *high rents* would be considered fair rents, or even moderate, in many parts of Scotland. But we must take into account the imperfect state of agriculture in our most improved districts as compared to the Lothians, Berwickshire, or Roxburghshire; and if the labour be the same, and the produce much less, the rent should be reduced in proportion, to cover the extra cost of production. The same argument is applicable, but in an increased ratio, to poor and undrained lands, where agriculture is in a backward state; and, accordingly, suitable reductions have been made.

“In pasture lands, the proportion of rent to produce is materially increased; because, the cost of production is comparatively trifling: it will consist chiefly in interest of capital invested in the purchase of stock, and the loss by casualties.

“The general instructions given by me to the valuers were, that they should value the land on a liberal scale; that is to say, in the same manner as if employed by one of the principal landlords of the country, who was about to let the lands to solvent tenants, on leases, say of twenty-one years. That they were to judge of the value of the land, not only by its appearance to the eye, but by digging up the surface; and by this means ascertain the nature, quality, and depth of the soil, and the quality of the subsoil. That land of the same quality and circumstances, in the same locality, though badly farmed, was to be valued at the same rate as similar lands well farmed, clean,

and in good order ; but that all permanent improvements, such as drains, good fencing, good roads, &c., were to be taken into consideration : by this means the industrious farmer, who tilled and manured his land well, would not be taxed more than his indolent neighbour who was similarly circumstanced, but who did not take advantage of his situation.

“ It is to be observed, that land, clean and in a high state of cultivation, may, by imperfect tillage and a succession of white crops, be deteriorated in a few years ; and consequently it would be unjust, in a *permanent valuation*, to rate the land high solely on account of its being well cultivated at the time the valuation was made. On the other hand, land which is in a bad state, owing to mismanagement, should not be valued quite as low as its present condition would suggest.

“ Lands which have never been tilled are valued as pasture, though, from the nature of the soil and subsoil, they may be capable of being tilled and improved. Such land is valued at a price per acre proportioned to the number of cattle, sheep, &c., it may be capable of grazing during the year, the price per head being regulated according to the usual price per head paid in the neighbourhood for grazing, the quality of the herbage being taken into consideration. Of course, where the soil and subsoil are good, the quality of the herbage will be superior, and the value will be regulated accordingly. I have entered into this detail in consequence of an erroneous opinion having prevailed, that, in the general valuation, lands were valued at the same rate, according to their natural quality, whether improved and cultivated or in a state of nature ; but this is not the fact, the land being valued in each case at the rate it would reasonably let for by lease to a solvent tenant in the state in which it is found.

“ The next consideration is the allowance to be made for local circumstances, all of which, whether they be in addition or deduction, are considered.

“ 1st.—They are made in consequence of vicinity to cities or towns.

“ 2nd.—Vicinity to limestone quarries, to sea-manure, or turbarry.

“ 3rd.—Good roads to market, to sea-manure, or turbarry.

“ 4th.—Climate, which includes a moderately elevated situation, and shelter from injurious winds.

“ In maritime districts, say within eight miles of a good market and seaport, land in an ordinary situation, for the reasons already men-

tioned, is reduced 2s. 6d. in the pound, to bring it to the scale of the Act. Approaching within say four miles of a considerable town, an increase of say 1s. in the pound, is made, on account of superior advantage of situation, arising from the facility of procuring manure, vicinity to markets, &c. Approaching still nearer, the value is raised within two miles 8s. 6d.; one mile 14s.; half a mile 26s.; and gardens close to a town 40s. in the pound.

“The circumstances tending to diminish the value are :—

“1st.—Distance from markets for the sale of produce.

“2nd.—Difficulty of access to markets, on account of bad roads.

“3rd.—Distance from lime, sea-manure, or turbarry.

“4th.—Elevation, aspect, exposure to injurious winds, &c.

“Similar deductions are made for land in elevated and exposed situations, varying from 2s. to 5s., and in some cases as much as 10s. in the pound, over and above the other deductions.

“In regard to the difference between the valuations of land adopted by me under the Act, and the actual letting value, I have to observe, that our valuation is generally about twenty-five per cent. under the full or high rent value, but very near that of many of the principal landed proprietors of the country. Thus, in the parish of Aghanloo, county of Derry, the valuation of the townlands, as contained in the printed schedule, rarely differed so much as one shilling in the pound from the proprietors’ rental. The same fact was observed respecting the rentals of the different London companies, as well as of other proprietors in the county of Derry ; while the full rents under ordinary small proprietors were usually thirty-three per cent. above the amounts given in the printed schedule. Similar facts were observable in other counties ; and I have lately noticed several remarkable coincidences of the same kind in the counties of Tyrone, Cavan, Monaghan, &c.; so that it would appear, that the scale of value adopted by me, under the Act, is nearly that of the great landed proprietors of Ireland, but considerably below the ordinary rents. Acting on this knowledge, I have uniformly replied to applications from the guardians of poor law unions, in different parts of the country, respecting the addition that should be made to the amount contained in the printed schedules of the general valuation, to bring it to a rent value, that, if one-third be added, the result will give very nearly the full rent value of the land under ordinary proprietors.”

The “value of the produce” referred to in the first paragraph of the

foregoing extract was based upon the prices laid down in the Acts, upon which the value was required to be ascertained. Those prices were precisely the same in the Acts of 1826 and 1836, but in an amending Act of 1852 a new list of prices is given. Such prices appear in the following order, per cwt.

	1826 and 1836.				1852.	
Wheat,	10s.	...	...	...	7s.	6d.
Oats,	6s.	...	...	...	4s.	10d.
Barley,	7s.	...	...	...	5s.	6d.
Potatoes,	1s.	7d.	...	...	omitted.	
Butter,	69s.	...	...	...	65s.	4d.
Beef,	33s.	...	...	...	35s.	6d.
Mutton,	34s.	6d.	...	...	41s.	
Pork,	25s.	6d.	...	...	32s.	

In the Act of 1852 the item of potatoes is omitted without any reason being assigned, and flax at 49s per cwt. is substituted. Judging from all the circumstances surrounding the subject, the substitution of flax for potatoes was owing to an official desire to say as little about potatoes as possible, as, practically, it was as important as ever to have a recognized standard for a crop upon which the value of considerably more than a million of acres must necessarily be based.

The earlier Acts prescribe, for the valuation of houses, an amount equal to the rent at which each house may be expected to let one year with another, less a deduction of one third ; but the Act of 1852 prescribes a deduction equal to the estimated cost of repairs, together with rates and taxes.

With the basis prescribed in the two first-named Acts, Mr. Griffith set about his work in a thoroughly businesslike manner, organized the necessary staff, which seems to have been very efficient, and had the satisfaction of completing the valuation of the whole country, for which achievement he was made a baronet, and was therefore honourably known for some years before his death as Sir Richard Griffith, Bart.

The total of Ireland, according to Griffith's valuation, is :

Land, £9,101,398. Buildings, £4,695,408. Total, £13,796,806.

Detailed particulars would be of little or no service. The figures being the outcome of Griffith's valuation, they suffice for the uses to which we desire to turn them in practice. But though the local details are of no immediate importance for our purpose, they are of immense

importance in most parts of Ireland when it is sought to make them the criterion of rent, or in the interests of tenants who are generally paying more, and mostly much more, out of all proportion to Griffith. The landlords contend that the land is improved, and therefore really worth more than in Griffith's time, and it is to be hoped such is the case ; but when, as the Devon Commissioners and other unimpeachable witnesses assure us, that improved value is solely the work of the respective tenants, why should not they have the whole of the advantage? Why should it, on the contrary, be all quietly swept into the laps of the landlords?

Another argument of the landlords is that the prices of produce prescribed by the Acts as the basis of valuation, are no longer admissible, as the prices have gone up, and that, as the tenants are getting much more for their produce, they can afford to pay proportionally high rents. It is an important question whether prices are higher than formerly. Whatever we happen to know about that, we refrain from presuming to know anything. We leave that for the discussion of those who profess to know much more than we claim to know, but who certainly do seem to talk very fast and loose in reference to the subject. For many years, Mr. Bright, and the Government, and the party who are called free traders, and almost all the newspapers, and innumerable clever and pretty books, and other fast and loose people and publications, have scarcely ever ceased telling us how cheap food is compared to the prices of former times ; and how grateful we ought to be, and how thankful we ought to feel, and what blessings we therefore enjoy in consequence of what all the fast and loose authorities call beneficent legislation.

After all the exhaustive and exhausting talking and writing in that fast and loose—not to say defiant—strain, it is really surprising that those Irish landlords dare have the audacity to say that, in fact, the blessing is, not that prices of produce are lower, but higher ! much higher ! so much higher as, in some cases, to justify the raising of rent to the extent of doubling the former amount ! Here is a pretty controversy, which we leave to the shining lights to settle to the best of their bright ability.

But, supposing that the landlords are correct in saying that prices of produce have materially gone up, what then? It is abundantly on record, from Waterloo forwards, when the war prices suddenly ceased ; after the exhaustion of every famine, when prices were low

and tenants manifestly could *not* afford to pay their rents ; on every occasion of depressed markets ; on every occasion of short crops ; low prices and inability have never been either of them accepted as answers to demands for the full rack-rents. Why then should higher prices or presumably greater ability to pay be a reason for increased rack-rents ? Independently of that consideration, the plea that increased ability to pay more rent is a logical reason why more rent should be paid, is nothing short of a presumption that the whole of the extra results of an unusually clever, industrious, and prosperous tenant's exertions are due to the landlord, who is, upon that presumption, entitled to screw out of his tenant every shilling he can extort. This controversy brings to the fore what was only too well known previously, that such a presumption is and has been the ruling principle in Ireland to the universal discouragement of energy, enterprise and industry. If the nature of that presumption were universally appreciated, some of the obscurities of the subject would be effectually cleared away.

This seems to explain (what is otherwise such a mystery) why so many Irishmen, who are really in a pecuniary position to command a fair proportion of the comforts and elegancies of modern life, choose to live in untidiness and squalor of a disgusting character. The raising of his rent being the evil which almost every tenant has learned to regard as the one most to be avoided—knowing that his presumed ability to pay more is usually the sole criterion applied by the landlord or agent, and that every touch of smartness is interpreted as evidence of that ability—he conceives it to be his best policy, to keep up all the appearances of struggling impecuniosity long after it has ceased. Hence, the pigs on his hearth, the tatters and patches on his clothing, the meagerness of his wife's toilet, the bare feet of his children, and the slovenliness of his dwelling and its surroundings, are regarded by him as so many safeguards against the presumption that he is doing well enough to pay more rent. Thus, centuries of rack-renting have joined hand in hand with hereditary pecuniary instincts to encourage and almost compel the coarsest ways of life.

CHAPTER XLIX.

THE LAND LEAGUE.

NO Irishman, being sufficiently imbued with a sense of patriotism to be an ardent Home Ruler, as Mr. Parnell was, could fail to be deeply impressed with the importance of the system of land tenure, as an element of weal or woe for Ireland. In common with others, who had a lively sense of the futility of the Land Act of 1870, he had arrived at the conclusion that future land tenure should be based upon the recognition of three cardinal principles of tenant right, namely—fixity of tenure, fair rent, and free sales ; that is, every tenant and his successor should be entitled to hold as long as he pays his rent ; that such rent should not be liable to capricious increase, but should be governed by some intelligible rule of consideration for the tenant ; and that every tenant, in consideration of the inevitable improvement that every good tenant must make in course of years, should have the right of selling his tenancy to whomsoever he thinks fit ; the punishment of every bad tenant being that he could get little or nothing for such tenant right. This formula, which has grown to be familiarly known as the three F's, was very warmly advocated by Mr. Parnell in his earlier career, and, in consequence, got to be accepted in Ireland, and favourably regarded in some circles in England, as the key to future reforms. Such was the state of things, when a new personal influence appeared upon the scene. Such influence was that of Mr. Davitt.

Michael Davitt was born about 1846 in Straide, a small village in county Mayo. His father was a tenant farmer, and an eviction scene was one of Davitt's earliest recollections. He was but five years of age when his father and mother and two sisters were turned out of their home. Davitt's father then came to England and settled down as an insurance agent in Haslingden, Lancashire. The son first ob-

tained employment as a boy in a mill, and while attending some machinery he lost one of his arms. Thus employed at an early age, he had not much time for education on week days ; but he made up for this, it is said, by being an assiduous attendant at a Sunday-school. His brightness recommended him to some of the authorities of the local post-office, and he obtained employment there as a clerk.

From an early age he took an interest in Irish politics, and when the Fenian movement was advocated, in a weekly journal—the *Irish People*—he contributed some spirit-stirring ballads. Prominent in his time in Irish demonstrations, he was brought into contact with the revolutionary leaders, and soon became a bold, prominent, and active member of the “Irish Republican Brotherhood.” In 1870 he was arrested in London ; and was tried at the Central Criminal Court on the charge of distributing arms for purposes of rebellion. The chief witness against him was the approver Corydon. He was convicted, and sentenced to fifteen years’ penal servitude. In spite of several successive amnesties and the powerful and constant exertions of many friends outside, he remained in prison for many years. His case was frequently brought before the House of Commons by the small group of Irish members known in the last Parliament as the “active section.” Some letters which he had managed to transmit surreptitiously to Mr. O’Connor Power, M.P., were read in the House on one of the famous debates on the Prisons Bill ; and the complaint he made of his treatment, produced a marked impression on the members, and helped Mr. Power and Mr. Parnell to have amendments in prison treatment admitted into the bill, and finally led to Davitt’s release. This release came seven years and eight months after his sentence. One of the first things he did after his liberation was to attend a lecture given by Mr. O’Connor Power at Liverpool. He spoke on this occasion, and with great vigour ; but his health was so feeble that he fainted immediately after the meeting, and remained for a couple of hours in a state of semi-unconsciousness—he is said to have contracted, during his imprisonment, some disease of the heart. He, about the same time, paid a visit to his relatives in the county of Mayo, and the misery he there saw led to the conception of the Land League movement. The meeting which gave birth to this agitation was organized by Davitt, and was held in April, 1879, in Irishtown, in the county of Mayo. Davitt himself, curiously enough, did not attend, as he had not yet resolved on taking a prominent part in a constitutional move-

ment. The agitation which was thus started under his auspices was humble enough in its inception, and for some time did not proceed with any rapidity. Mr. Parnell was away in Parliament, and it was doubtful whether he would give to it the sanction of his name. The prospect of famine following upon severe distress, lent its aid to the arguments of Davitt ; and at last, in a public meeting in Dublin, at which the two appeared, Mr. Parnell announced that he had abandoned the policy of "the three F's," and accepted the policy embodied in the Land League. Davitt was not only the founder, but also the main organizer of the League. He addressed numberless meetings ; worked for several hours every day, when in Dublin, in the central office ; in short, was almost ubiquitous, was never idle, and, when he was not speaking, was busied in correspondence. When the organization was well advanced in Ireland, he determined to go to America and take up the work of Mr. Parnell. His tour through the United States was one unbroken series of immense popular ovations, culminating in a public reception at San Francisco, in which the Mayor and the municipal authorities took part, the military turned out, and there were all the other well-known features of great American demonstrations. Davitt, however, did not leave America without falling into a serious quarrel with a section of his countrymen. While the mass of Irishmen were thus enthusiastic in his favour, a small section of the revolutionary party held out obstinately against the Land League as a form of constitutional agitation. O'Donovan Rossa and others bitterly assailed Davitt as the apostle of a cowardly and false gospel ; and he retorted with no mincing of phrases. The result of the struggle was that Davitt remained master of the field, for the Irish exiles were irresistibly attracted by the prospect of expelling from Ireland the class that had expelled them ; and the triumphant Land League agitator had significant proof of his victory in the fact that his life was frequently threatened.

The Land League, thus founded and advanced, professing, as it did, to move upon constitutional lines, was not at all in accordance with the views of the Fenians. As pointed out in the former chapter on the Fenian period, their conviction was and is that, all constitutional procedure having failed, such procedure is not only a waste of time but a vain concession to the Union Parliament, that is never influenced but by terror. Hence the opposition of O'Donovan Rossa and his associates, for whom there was, derivable from accomplished facts, more

justification than at the first glance may appear. Wellington distinctly admitted that Catholic emancipation was not conceded from any sense of its equity, but because the Government was powerless to resist the demand. The terror and consternation caused during the Fenian period was unprecedented in any previous passage of events between the two countries, and there immediately followed an unprecedented amount of concession. The Fenian theory, therefore, is that all efforts at constitutional procedure will inevitably be tripped up by the trickery and hypocrisy of a dishonoured and dishonourable government, and that the only alternative is the same kind of terror that has many times borne good fruit for Ireland before. Mr. Davitt, though he had been one of the Fenian ranks, was so imbued with confidence in his new principles, that he was sanguine of getting success for them upon constitutional lines, despite the failure of those lines in all previous experience.

The main proposition of the Land League is to abolish landlords by means of what is called expropriation, or buying the landlords out. It is an extension of the principle of the purchasing sections (usually called the "Bright Clauses") of the Land Act of 1870. While that Act contemplates the conversion of occupiers into owners by the slow process of individual agreement, which amounts to little and almost nothing, providing the purchasing capital by the Government on the security of the land to be paid for by instalments, the Land League would, in a similar manner, make every occupier who desired it the owner of his farm forthwith, thus compelling every landlord to sell all his land not in his own occupation. As to the wisdom, or justice, or practicability of such a process we reserve its consideration for a later chapter.

As Mr. Davitt and the most sanguine of his supporters were of course aware that the swiftest possible success must imply some interval of delay, the question naturally arose, What policy was to be adopted during the interval? The conclusion amounted to this, that every member of the League should refuse to pay more than fair rent; and that no member of the League should take a farm from which a tenant had been evicted. Between the two, if adhered to, it seemed probable that the landlords would be forced into concessions that might serve as temporary relief until the expropriation was accomplished.

The first difficulty that arose was how to determine what was a fair

rent. After casting about for some time, Griffith's valuation was hit upon. According to all the ordinary notions of property this was an absurdity. That valuation was for purposes of rating, and was generally some twenty-five per cent. below the letting value at the time the valuation was effected. But it was precisely because the Land League objected to all the ordinary notions of property that it came into existence, and the more it could disturb these ordinary notions the greater its success. So Griffith's valuation served the purpose admirably in most cases. There were some instances—they must have been very few—where evictions and other causes had so far diminished the letting value of the land as to reduce it below Griffith's valuation, so that the offer of that amount proved, on investigation, to be in excess of the rent actually payable upon custom or contract. Much amusement was extracted from the discomfiture of tenants who were placed in that curious predicament, and unfriendly critics got as much capital as they could out of it as a set-off to the undisputed truth that Griffith's valuation was in most cases a substantial reduction, acceptable to the tenant, with the advantage of an intelligible basis to go upon, and, wherever established, calculated to reduce to a more reasonable figure than otherwise the ultimate capital value at which the expropriation would ultimately be made.

Of course, nearly every landlord, on being tendered the amount of Griffith's valuation, refused to accept it, and the tenants in such circumstances asked the League what they were to do. The answer was, "If your landlord refuses Griffith's valuation, then your plan is to pay no rent at all." The frequent necessity for this advice, and its frequent reiteration in public, led to the assertion that the Land League, after first advising that Griffith's valuation should be paid, grew bolder with the courage begotten of impunity, and at length developed into the advice to pay no rent whatever, under any circumstances. That assertion was, and is frequently made, without the qualifying introduction. It was, and is believed, in some feeble circles, that the Land League, casting aside its early disguises, at length came out in its true colours, and advised its members to pay no rent, that being the ultimate intention from the first. Every one who will take the trouble to investigate the facts will not allow such a random and dishonest assertion to set aside the real points at issue between the Land League and its opponents.

The immediately foregoing remarks apply to the temporary policy

of the League prior to the legislation intended to supersede the necessity for such policy. The legislation recommended by the League is clearly set out as the result of a conference held on the 29th of April, 1880, when the following programme was agreed to, in opposition to the proposals of Mr. Butt, who merely sought to provide for "fixity of tenure at fair rents."

The deliberate propositions of the Land League, having been agreed to at the said conference, are embodied in the following quotations :—

"Feeling convinced that it is inexpedient to maintain and impossible to amend the present relations between landlord and tenant, the question presents itself—what measure of land reform do the exigencies of the situation demand? The Land Question in Ireland is the tangled heritage of centuries of one-sided class legislation, the successful solution of which will necessitate the greatest care and investigation, together with an anxious desire to do right on the part of all who approach its consideration. Time will be needed by the present House of Commons to inform itself as to the merits of a question which is only just commencing to be understood in Ireland, and is scarcely understood at all in England.

"We therefore recommend as an *ad interim* measure, in view of the desperate condition of the country, until comprehensive reforms can be perfected, that a Bill should be pushed forward with all speed, suspending for two years ejectments for non-payment of rent, and for overholding, in the case of all holdings valued at £20 a-year and under, and suspending for a similar period of two years in the case of any holding whatsoever the right of recovering a higher rent than the Poor Law Valuation.

"Next, as to the permanent reform of land tenure in Ireland, we are of opinion that the establishment of a peasant proprietary is the only solution of the question which will be accepted as final by the country. The Land Act created as between landlord and tenant an irregular partnership in the ownership of the land, giving to the former a right to rent for his interest in the soil, and to the latter a right to compensation for the loss of his property therein. Now we venture to assert that this system, whereby two opposing classes have valuable interests in the same property, must cease to exist. The well-being of the State, the preservation of the people, the peace and prosperity of the country, demand the dissolution of a partnership which has made financial ruin and social chaos the normal condition of Ireland; and the time has arrived when Parliament must decide whether a few non-working men or the great body of industrious and wealth-producing tillers of the soil are to own the land.

"To carry out the permanent reform of land tenure referred to, we propose the creation of a Department or Commission of Land Administration for Ireland. This Department would be invested with ample powers to deal with all questions relating to land in Ireland :—

"1. Where the landlord and tenant of any holding had agreed for the sale

to the tenant of the said holding, the Department would execute the necessary conveyance to the tenant, and advance him the whole or part of the purchase money, and upon such advance being made by the Department such holding would be deemed to be charged with an annuity of £5 for every £100 of such advance, and so in proportion for any less sums, such annuity to be limited in favour of the Department, and to be declared to be repayable in the term of thirty-five years.

“2. Where a tenant tendered to the landlord for the purchase of his holding a sum equal to twenty years of the Poor Law valuation thereof, the Department would execute the conveyance of the said holding to the tenant, and would be empowered to advance to the tenant the whole or any part of the purchase-money, the repayment of which would be secured as set forth in the case of voluntary sales.

“3. The Department would be empowered to acquire the ownership of any estate upon tendering to the owner thereof a sum equal to twenty years of the Poor Law valuation of such estate, and to let said estate to the tenants at a rent equal to $3\frac{1}{2}$ per cent. of the purchase-money thereof.

“4. The Department or the court having jurisdiction in this matter would be empowered to determine the rights and priorities of the several persons entitled to, or having charges upon, or otherwise interested in any holding conveyed as above mentioned, and would distribute the purchase-money in accordance with such rights and priorities, and when any moneys arising from a sale were not immediately distributable, the Department would have a right to invest the said moneys for the benefit of the parties entitled thereto.

“Provision would be made whereby the Treasury would from time to time advance to the Department such sums of money as would be required for the purchases above mentioned.

“To render the proposed change in the tenure of land effectual, it would be necessary to make provision for the cheap and simple transfer of immovable property. To effect this, an organic reform of the Law of Real Property would be requisite. The Statute of Uses should be repealed, distinctions between ‘legal’ and ‘equitable’ interests abolished, and the law of entail swept away. In short, the laws relating to land should be assimilated as closely as possible to the laws relating to personal property. The Landed Estates Court would be transferred to the Department of Land Administration, its system of procedure cheapened and improved. In each county in Ireland there would be established a Registry Office wherein all owners of land would be compelled to register their titles, wherein also would be registered mortgages and all charges and interests whatsoever. Titles so registered (in accordance with rules provided for the purpose) would be made indefeasible.

“With such a system of registration established, and legal phraseology in conveyancing abolished, a holding of land might be transferred from one owner to another as cheaply as a share in a ship or money in the funds, and thus no apparent obstacle would stand in the way of the Department of Land Administration from carrying out the reforms which we have suggested—reforms which, it may be hoped, will bring prosperity and contentment to an impoverished and distracted country.”

The propositions embodied in the above extracts were put forth over the signatures of Charles S. Parnell, J. J. Loudon, A. J. Kettle, Wm. Kelly, and Patrick Egan, on behalf of the Land League. Many if not most English writers write on the subject for the sole purpose of misrepresenting the facts and misleading their readers on the whole subject, and as a good many English readers, preferring airy fiction to dry fact, rather prefer to be misled than otherwise, both writers and readers get on admirably to their mutual satisfaction. But those who care for facts, whether writers or readers, who are opposed to the Land League, will find plenty of material for criticism in the facts without drawing upon fictitious imagination. The proposals of the Land League are about equally opposed to Conservative and Radical convictions, not only in England but all the world over. If the perpetuation of the occupation of the Land Leaguers is the object they have in view, they need only adhere to those most indefensible propositions, and as long as they do they need have no fear that their occupation will be gone, inasmuch as getting them adopted is about as remote a possibility as anything can be.

In the comfort of that confident assurance all parties may venture to rest in peace and contentment.

CHAPTER L.

THE FAMINE OF 1877-80.

THE news of the tragic death of the Earl of Leitrim had the effect of arousing English attention to the perception that Ireland was not altogether so happy and contented as it ought to have been. Misery and discontent had, in fact, been aggravated by a considerable failure of the potato crop in 1877, but all the English knew about it was an occasional notice tucked in amongst paragraph advertisements or otherwise obscurely placed, merely conveying an idea that the old, old story was being told over again in the Emerald Isle. The assassination compelled the reflection that the potato failure was perhaps far more serious than had been supposed. From that time there was a languid perception that there was something much worse than usual going on. The potato crop of 1878, though more productive than that of the previous year, was very short of the average, so the misery from that cause was further prolonged. In the spring and summer of 1879, the continuous rains of a third wet year were ominous warnings of worse things to come, and in the autumn the potato crop proved to be little more than a quarter of a good yield.

On the 27th of March, 1879, Mr. Lowther was Chief Secretary for Ireland, and when on that date his attention was directed to the probable distress in Ireland, then present and to come, he jauntily replied that he "was glad" to say distress in England was worse than in Ireland. That being the spirit in which the Government regarded the subject nothing whatever was done during that session. Mr. Disraeli having by this time become Lord Beaconsfield, the government was the Beaconsfield Government. It seems never to have stirred in the matter until November the 22nd, when it resorted again to the old device of lending money to landlords, really to enable them to raise their rents at the public risk, but ostensibly to enable them to employ the unemployed upon works of land improvement and reclamation. Some

of this money was advanced at only one per cent. Wherever such money was employed in the improvement of farms, will the raising of rents have been limited to one per cent? What guarantee is there that it was employed for such a purpose? Whether it was or not, lending money to landlords to give them the power of commanding the labour of the people, whose labour is eventually to be turned against themselves, is certainly a way of relieving the people that none but a real statesman would ever think of!

Independently of what the Government did, however, there were voluntary organizations for relief. The Duchess of Marlborough (wife of the then Lord Lieutenant), exerted herself nobly and successfully; her efforts were seconded by the Lord Mayors of Dublin and London. Responses from all quarters of the world were extremely liberal, amounting, in all, to hundreds of thousands sterling, and worthy to be recorded as a work of sublime charity. Partial figures would be of no value. Comparisons amongst them might appear invidious. Unless everything was stated, the amount would be incomplete, and there are private benefactions to think of. Supposing that the whole amounted to a quarter of a million, it is splendid, considering its source, but paltry indeed as a remedy for the famine. For, in those three years, the deficiency in the potato crop is put down at ten millions sterling!

Mr. T. P. O'Connor, in his admirable article in the *Contemporary Review* for December, 1880, points out that the tenement rental of Ireland is only about eleven millions, which he aptly compares with that deficiency in potatoes alone, as showing its relative magnitude. So the Irish were deprived, by the famine, of food to the extent of ten millions in three years. Lamentable fact! Cruel necessity! Imagine the misery of it! But what is that compared with the deprivation of food by forced exports to England during the three years? Fifty millions' worth of live stock alone, besides corn, eggs, bacon, butter, and sundries, and amounts not enumerated in either class, not less than eighty millions in the three years! To prate of famine in the face of facts like these is a shameful mockery. To take, with the hard hand of domination, the best food of a people to the tune of eighty millions, and to meet the complaints of the consequent sufferers with the soft answer of a dole of probably less than a quarter of a million wherewith to go and buy such unstimulating rubbish as Indian corn, is only worthy of a nation of hypocrites, if their eyes are open to the truth of the case. To seize and get unduly fat upon the food belong-

ing to other people, and then to cry aloud to Heaven because those people starve and are lean, is an impious misrepresentation of the real causes of the course of events.

To say that England is Ireland's best market, and to seek to justify the robbery and the mischief from that point of view, is no doubt quite consistent with political economy, as interpreted by persons interested in so interpreting it ; but there are circumstances, as between England and Ireland, that cannot fail to over-ride the baseless dogmas of what is falsely called economic science, and to put political economists to shame.

Political economy will of course also justify the more numerous evictions that have always been concurrent with times of so-called famine. These were in 1876, 1269 ; in 1877, 1323 ; in 1878, 1749 ; in 1879, put down at 3893, subject to minor corrections. In 1880 these evictions continued, and reached the number of 1893. So the evictions in the four years were more than ten thousand !

During the later months of 1879, and the earliest of 1880, the Beaconsfield Government began to be seriously influenced by the Irish difficulty. It was not the distress—a fig for the distress ! It was the growing discontent, and the increasing resort to retaliation, and that, from the Government point of view, was, as Lord Beaconsfield said, “worse than pestilence or famine.” Liberal politicians of all shades flung Ireland at the Conservatives, and, in the heat of their electoral campaign, the Liberals again promised great things for Ireland. The dissolution took place on the 24th of March ; the general election immediately followed ; the verdict of 1874 was reversed ; the Liberals got a majority estimated at 175 seats ; and Mr. Gladstone became the head of the cabinet, and Mr. Forster took office as Chief Secretary for Ireland.

The one thing the Government was careful to do was to confirm and extend those kind loans to the landlords that the previous Government had newly initiated ; which was, to say the least, liberal. At the same time it was announced that though the Government really intended to pass a sweeping Irish Land Bill, there was not time that session. After a while, it occurred to the new Chief Secretary, that, as he was going to be so very kind to Irish landlords, he might spare a trifling proportion of his remaining kindness for Irish tenants. So he devised a scheme of Compensation for Disturbance. It was at first tacked on to the bill for granting more loans to the landlords, but a very moderate amount of pressure untacked it, and so the proposals

were made into two separate bills. The bill to help the landlords passed both Houses with alacrity; the bill to help the tenants did not. On the contrary, the bill "to make temporary provision with respect to compensation for disturbance in certain cases of ejectment for nonpayment of rent in parts of Ireland" had a stormy and unfortunate career. The papers, who saw no invasion of the principles of political economy in lending public money to landlords at lower interest than the public paid for it, became very politically economical indeed when it was seriously proposed to do something for the relief of the poorest classes of tenants. As usual, there was exaggeration on both sides. The bill was supposed to confer upon tenants prodigious advantages and to inflict upon landlords intolerable restrictions. Had the bill passed it would very likely have been abortive like so many of its predecessors, but the landlords would not run the risk. Led by the *Times*, which proved, for once, not to be a false prophet, the landlords of both parties vehemently opposed in the Commons. Notwithstanding, the second reading was carried on the 5th of July by 295 to 217, and after a prolonged fit of obstruction in committee the third reading was reached on the 26th. The Lords had, like caged lions, been watching the growth of the unfortunate bantling, and, as soon as it was thrown into their den, they set upon it with great fury, metaphorically tore it into pieces, and in rejecting the second reading by the unprecedented majority of 282 to 51, threw the pieces in the faces of the Government on the 3rd of August, and thus also dared the Irish tenants to do their worst. This bill made such a stir at the time that, as an authentic leaf out of the political history of 1880, we give a copy of it in our Appendix.

The reply of the Government was a formal protest in the Commons from the Chief Secretary, qualified by the expression of inability to provide any remedy or substitute for the defeated bill. And so Parliament went on its customary shooting excursions, and some of the Irish tenants prepared to start upon theirs.

This famine, however much it may have inflicted severe trials and sufferings upon the Irish, was not of an extremely fatal character. Doubtless there were many deaths that might be indirectly ascribed to it, but, partly from the qualified severity of the visitation and partly from the liberality and activity of the relief organizations, it is said there was not a recorded case of actual death from starvation arising from deficiency of food.

CHAPTER LI.

BOYCOTTING.

IMMEDIATELY after Parliament was prorogued in the autumn of 1880, the landlords of Ireland, elated by the defeat by the Lords of the Disturbance Bill, and anticipating that future legislation might bar their proceedings in time to come, commenced proceedings for ejectments with renewed activity. This course was stimulated by the fact that, as the amount of Griffith's valuation had been so generally tendered and refused, rents remained unpaid almost everywhere to an extent without precedent.

Of course the Compensation Bill did not contemplate the relief of tenants who could afford to pay, or who had the means of paying, but only those who were really unable to pay—poor, broken down occupiers who had been hardest hit by the succession of wet seasons. These poor fellows, though very numerous, were, as it turned out, somewhat restored to comparative prosperity by an unusually prolific harvest. This points all the more to the probability that the Compensation Bill would have been a dead letter if it had passed, as men who had just had the benefit of a good harvest could scarcely have proved their inability to pay, as the bill required.

All the year, and especially at harvest time, the Land League operated vigorously, stimulating tenants by every means to firmly refuse payment of more than Griffith's valuation. The good harvest made this appear all the more unreasonable, from the landlord point of view, so every landlord who could afford to wait persisted in refusing the compromise offered. Many volunteered deductions of from ten to twenty per cent, but the tenants rejected all such proposals, as of course they wanted to establish the principle as a matter of right.

In defiance of every opposition, many evictions took place, and, though some farms did not obtain tenants, a fair proportion did, and

the exasperation was extreme on the part of the Land League and its sympathizers.

The popular idea in Ireland respecting the Compensation Bill was that it was intended to stop evictions—not only of poor tenants but of all tenants. The Lords had defiantly dared the tenants to do their worst, and they, in their turn, vigorously set about doing their worst or their best, to vindicate the principle of the Compensation Bill as popularly interpreted.

In numerous instances evicted tenants were reinstated by force, and often held their restored positions with impunity. Tenants who had taken the farms of evicted tenants were subjected to systematic annoyances and often to physical violence. Attacks of armed men were made upon them and their dwellings. Many were made to swear they would relinquish their holdings, which a large proportion consequently did. Others who held on were beaten and maltreated most desperately. In these various ways the law was set at defiance.

Agents of landlords, whose duty it was to proceed against tenants, came in for a full share of popular persecution, according to the degree of harshness with which they performed their duties, and the following is a case illustrative of numerous others.

Captain Boycott was the agent for the estates of the Earl of Erne, commonly called Lord Erne, the holder of a title created in 1798, which date is suggestive of a case of bribery to promote the Union. His agent, Captain Boycott, in addition to the duties involved in his agency, also held and cultivated a considerable farm at Lough Mask, Ballinrobe, Mayo County. His activity in the work of his agency, and (being an Englishman), his lack of sympathy with the tenants, added to an apparent natural tendency to be severe and exacting, called forth the utmost indignation of the whole of the inhabitants. A combination of unusual strength was formed against him. The labourers and others engaged upon his farm were notified to strike work on pain of physical violence or perhaps murder, and the terrorism exercised was so complete that, within a few days, every one of his male servants abandoned his employment, and he was left with no resource but his own exertions and those of his wife, two daughters, a nephew, and one female servant. The house was kept with closed shutters, and arms were constantly in readiness to resist attack. Horses, cattle, and numerous live stock being left without attendance, Captain Boycott and his small remaining household had to tend them as best they

could, being watched by groups of the inhabitants, who taunted them with the helplessness of their position, and constantly threatened them with further persecution. In the course of providing for the live stock, the captain and his nephew had to dig for turnips and other produce, and were constantly laughed and jeered at by the spectators. In a few days, this kind of thing extended still further. Some of the horses required to be shod, and, amid the derisive cries of the crowds who watched them, the captain and his nephew took the horses to Ballinrobe for the purpose ; but, when they arrived at the shoeing-forge, the smith refused to do the work, and the like result followed every effort to get it done elsewhere. A few days more and this course of opposition increased. Every shopkeeper in Ballinrobe refused to supply the captain or any of his people with provisions or goods of any kind, and this was strictly adhered to. As matters got worse day by day, the captain applied for and obtained a considerable police force, the members of which took up their quarters on his premises ; he and his people, when out of the house, being invariably accompanied by two or more constables. This, though a bar to violence, did not prevent the derisive cries and jeers which increased all the more at the ludicrous circumstances of the captain and his nephew digging for roots and going about their unaccustomed drudgery as if they had been prisoners in charge and doing penal labour. In addition to these annoyances and inconveniences, the captain and his family were almost shut out from visitors, and all personal communication with the outer world, for the owners and drivers of vehicles for miles round refused to drive to Lough Mask on any terms, however extravagant, and would not drive anywhere near there if it was suspected that the fare was on an intended visit to the captain.

All this time the entire crops of the farm were spoiling and rotting for want of the necessary labour to gather them. The district was Catholic almost to a man. This and the whole circumstances being known throughout the country, the Orange Lodges of the north got up the deliberately false cry, and encouraged the impression, that the persecution was of a religious character. This so wrought upon Protestant partizans that a volunteer movement was got up for the purpose of getting in the captain's crops for him, and this resulted in the assemblage of two considerable parties of tolerably qualified persons, one in Cavan County and the other in Monaghan County. These parties having agreed to start for Ballinrobe, they were notified

that their arrival there would be resisted by the inhabitants. This state of things being communicated to the Government, and it being ascertained that the aforesaid parties were already in progress to the scene of the encounter, a military force of about 120 mounted hussars was hastily despatched from Dublin, 400 Royal Engineers from the Curragh Camp, and about 200 more police. It was so contrived that the soldiers, the police, and the whole of the working parties arrived at the same time, which was creditable to all concerned ; but there the credit almost ceased. Neither the soldiers nor the working parties had provided a commissariat. They were entirely without food for themselves or their horses. Nothing of the kind was to be had for love or money in Ballinrobe, and the captain stood in danger of being eaten up by his volunteers and defenders, instead of experiencing relief at their hands. The weather was intensely cold. The horses had to be picketed in the fields ; there were no adequate quarters for either soldiers or labourers, and no sufficient quantity of fuel for necessary fires. In this extremity, the captain's trees were felled for fuel, his live stock slaughtered for food, every room and out-house improvised for quarters, and for a few days confusion reigned. The captain took careful account of all the havoc, possibly with a view to eventually obtaining public compensation, and the uncomfortable members of the expedition were very near retiring and leaving him to his own devices. It is probable that they would have done so, only that they were piqued by two circumstances. From their first arrival the inhabitants told them they would never succeed in getting in the crops, which put them upon their stubborn metal, and incited them to perseverance against all difficulties, not for the sake of the captain, but for their own future reputation. The other circumstance was that, being Orangemen, the parties were traditionally bound to quarrel with somebody, and this tendency was so strong at first that there seemed to be a likelihood of a free fight between the respective parties of the rival counties. This having cooled down, owing to the material necessities of the occasion, the next thing was to disparage each other's ability to fulfil the mission upon which they had come.

Such being the two incitements referred to, the remaining live stock was collected, the crops were fallen upon with the impetuosity of exasperation, and the whole more or less gathered, driven, and carted to the nearest railway station, in the space of about three weeks, at

the end of which time the labourers kicked off the mud from their boots against the gates of the captain, and the military departed with them to see fair play with regard to any possible disturbance, either amongst themselves or with the inhabitants, who, from first to last, kept up a carnival of ridicule and laughter, and merciless chaff, that proved almost too much for Orange endurance, to avoid which, they and their military escort prepared their departure in the night, and so got away before light in a wet and muddy morning, through a miserable march of five miles to the railway station.

Throughout all these difficulties, Captain Boycott had repeatedly declared that, no matter what happened, he would not relinquish possession of his homestead. But, as the plot thickened, wiser counsels prevailed. His crops had gone for that sale in distant markets that they could not have obtained in the neighbourhood. He prepared to go also. He and his household left early in the morning before it was light, accompanied by a detachment of the hussars, whose comrades were at the same time escorting the harvesting parties; and in that manner he retired, and then journeyed to England, where, as the welcome guest and hero of many a sympathizing circle, he basked in the plaudits of hosts of friends, which he no doubt found consolatory after so many expressions of the execration of his former neighbours.

The ultimate outcome of this course of events was an unqualified triumph for the Land League, and the tactics pursued at Lough Mask were promptly adopted in all parts of the country, under the universal designation of "Boycotting," which spread into every county, under various forms of similarity. Tenants who paid more than Griffith's valuation, persons who ventured to occupy farms vacated by eviction, agents who were zealous in their duties, landlords who refused to conform to Land League requirements, and widowed and maiden ladies who were reduced to poverty by the non-payment of rents, but who would not entertain the gospel according to Griffith, all these were from time to time Boycotted in various ways. No one would buy what they wanted to sell; their stock was mobbed and the sale of it prevented at markets, fairs, and elsewhere; no one would sell them what they wanted to buy, and those who sold contrary to such dictum, were Boycotted for doing so.

The extremest case on record is that of Mr. Bence Jones, of Lisselan, near Ballinascarthy, between Bandon and Clonakilty in Cork county. Early in December, 1880, Mr. Jones was the owner of an estate of

about four thousand acres, one thousand of which being in his own occupation, and the remainder in the occupation of numerous tenants. His own mode of culture and his general intercourse with his tenants had rendered him obnoxious to the inhabitants, his convictions being intensely in favour of very large farms. The whole of his forty farm hands were notified on a certain Saturday to strike work, which they did, all but two, on the following Monday, leaving him, his bailiff, his son, and the two remaining labourers to do the work of a very large grazing farm. His domestic servants remained faithful, but the inconvenience upon the farm was extreme. He contrived to get a considerable accession of fresh labourers, and the protection of numerous policemen and military patrols prevented physical violence. The pressure upon his means of management, however, was so great that he sought temporary relief in the sale of a pretty large proportion of his cattle and other live stock, and then the Boycotting was resumed with unexampled effect. Combinations prevented sales at Cork. The animals were conveyed to Dublin for shipment to Liverpool. At Dublin, for several weary days, no one would sell forage to Mr. Jones or any of his people, and it was only by the intervention of the police that the animals were fed at all. Some owners of steam shipping refused to have the animals on board, and conveyance was not found for them until after considerable delay, expense, and injury to the stock. Even after the arrival at Liverpool, the Boycotting continued, and the sale there was interfered with to an extent that probably disparaged the price. The whole course of Mr. Jones's troubles in this respect brought out very strongly the extent of the Boycotting tendency, and the power that existed in it to inflict injury upon individuals wherever they fell under the ban of popular discontent.

In addition to the Boycotting here referred to, there were, during the autumn of 1880, numerous other agrarian offences and crimes. There were personal insults, threats, minor assaults, incendiary fires, violent assaults accompanied by intimidation, and very many cases of malicious maiming of cattle; all of the most reprehensible, abominable, and hateful character, and abhorrent to all well-disposed people. Of all these, however, Boycotting was far the most prevalent, and it is of the utmost importance to observe, as admitted by Mr. Gladstone that the result was—"evictions, in the meantime, having enormously, diminished." And to show that the diminution of evictions was due to the Boycotting and other systematic opposition, it is only necessary

to quote that, in the first quarter of 1880, offences were very few, only 293, and evictions very numerous, 490 being recorded. In the second quarter there was a still less number of offences, only 247, and the evictions increased to 622. In the third quarter there were 354 offences, in spite of which there were 629 evictions. This added to popular exasperation, so in the fourth quarter there were 1670 offences, and this increased energy caused the evictions to fall to 152, or, as Mr. Gladstone put it, they "almost disappeared."

Mr. Forster has asserted that the offences do not arise from a sense of agrarian injustice, but that they are perpetrated for the mere love of doing wrong, by Fenians, village tyrants, and dissolute blackguards. Mr. Gladstone, apparently unaware that he was spoiling what Mr. Forster had said, laid it down afterwards in the House as an axiom that "agrarian crime is the expression of the will, tendency, and determination, not of one but of many. It is not only a single occurrence; it is a symbol and a reproduction of that occurrence." That was a picturesque way of saying that agrarian offences have the approbation of a large portion of the people, and he was as undoubtedly right as Mr. Forster was wrong.

There is a peculiarity about that period, however, which demands the most serious and thoughtful consideration of all. While Boycotting was so rampant, while the other offences were so numerous, and the whole were so effective for their purpose, murders were unusually few. Amongst them was the case of Lord Mountmorres, which excited so much observation at the time, and seemed to point to a more than usually murderous and vindictive determination; but, throughout 1880 there were only 68 murders in addition to that, or 69 in the whole year. Whereas, when there was no Land League and no Boycotting, there were, in disturbed times, 170 or 180 murders in Ireland per annum. Either it was the Land League that had such a beneficent influence, or else the whole people that were more humane. Boycotting is an intolerable outrage that is entirely indefensible, but when the numbers of outrages are piled up by enumerating 1750 threatening letters and all the cases of Boycotting, it must be admitted, even by persons most prejudiced against the Land League and Ireland, that Boycotting is not quite so bad as murder after all.

The end of the Boycotting outrage campaign of 1880 was, that it almost put a stop to eviction outrages. The Government tried to prevent evictions and failed; the Land League tried to do the same thing and succeeded. That was the sting of it.

CHAPTER LII.

A GOVERNMENT IN DIFFICULTIES.

WHILE the events reviewed in the last chapter were in progress, Parliament was in recess, and the proceedings of the Government were placed for the time beyond criticism. What the Government really did with regard to Ireland as a whole can never be known ; we can only gather such glimpses of the truth as penetrated the haze of the political recess.

All that could be derived from the occasional public speeches of ministers was that a land bill was in preparation for Ireland. Promises to that effect were reiterated to such an extent as to commit the Government beyond recall to some such a bill. The intention seems to have been to create the impression that a "great measure" was about to be initiated by the Government, and it seems that in some quarters there were wild expectations of reforms of such a character as, to use a cant phrase, "would satisfy the desires of all reasonable men." The idea pervading the utterances of ministers was that they were really about to do something that would make some difference, and everybody who was dissatisfied with the result of the mountain's labours this time must of necessity be very unreasonable men.

In estimating the value of expectations thus encouraged it is necessary to remember that the men, who were promising for 1881 were the very same men who had promised in much the same vein for 1870. Then, they said, they were going to do something decisive that would do justice to Ireland. Perhaps there never was such a flourish of trumpets before as that with which the bill of 1870 was introduced. It is needless for disinterested people to criticise now the Act that resulted from that noisy orchestra of sounding brass, for the men themselves who blew the hardest, and did the most, and took all the honour of the alleged triumph of that time, and harped upon it for some years without ceasing, were the very men, who, ten years after-

wards, admitted that the work they did then (if it was work) already wanted doing all over again, or in some other way, or after some other fashion, nobody knows what. The course of reasoning pursued in 1880 was this. "We passed an Act in 1870. That Act is a signal failure. The experience of ten years proves this. Therefore, having, according to our own candid admission, deceived ourselves or our admirers, or both, in 1870, we are the right men to do it again!" To do what again? To deceive and be deceived. But the argument of 1880 was that the failure of the Act of 1870 was owing to the emasculating amendments of the Lords. That was not a bad excuse in 1880, but why was it not made known immediately after the amendments of the Lords? Though the Act was subjected to those amendments the Government of that time did not then say the Act would be abortive. On the contrary, ministers afterwards boasted of what they had accomplished. In 1880 they admitted they had accomplished just nothing.

What were the promises and intentions of such men worth? To ascribe the failure of the Act of 1870 to the amendments of the Lords may satisfy those whose political faith in their party idols deprives them of effectual vision, but those who are not so easily dazzled will not fail to see that the Act of 1870, both before and after the amendments, instead of being a living embodiment of true genius, was a mere deformity stuffed with chaff, sans teeth, sans eyes, sans everything that was likely to be of use or ornament. Why should the men who, on their own confession, so failed in 1870, have been trusted to attempt the same important work in 1881. What additional guarantee was there that it would be anything but chaff again? There is no accounting for the superstitions of party politics.

The Land League demagogues, though they were so busy in the encouragement of Boycotting, found time to throw some heavy rhetorical stones at the party idols. Many of the speakers said they believed neither in the idols nor in the work they professed to be about. They openly avowed their distrust of the promises concerning the Land Bill. Boycotting was bad, but to denounce the chosen idols of the day was worse. These fellows had become intolerable.

As stated in detail amongst our earliest pages, the Peace Preservation Act of 1875 was appointed to terminate on the 1st of June, 1880. We appeal to the preceding chapters relating to the time subsequent to the passing of the group of Acts of which that forms one, as to

whether the Act was in any way effectual for its avowed purpose, and we appeal to all history of the time in the same sense. We have shown that it did not prevent the murder of Lord Leitrim, and many other capital crimes ; neither did it lead to the discovery of the murderers. According to Conservative critics, the Land League was, from the first, inimical to the peace preservation that the Act was designed to secure ; but the Act was powerless to prevent the establishment of the Land League, nor did it interfere in the slightest degree with its proceedings. It did not prevent the unusually numerous outrages that occurred while it was in force, during the first five months of 1880. The Conservative Government had therefore had abundant experience of the impotency of the Act. But the Conservative leaders clamoured for its renewal, as though it had ever been of any use or was likely to be of use again. For some reason the Liberal leaders refused to renew, apparently under the erroneous impression that their promise to do in 1881 what they had tried and failed to do in 1870 would induce the Irish people to keep respectfully quiet. As we have seen, that turned out far otherwise, and there is no reason to believe that the renewal of the Act would have made any difference. New influences had come in, which, for the time, would have over-ridden a dozen such puny obstacles as that ; for the Irish learned the lesson well from O'Connell, and have not forgotten it, that such Acts are only made to be evaded. Some fish may be caught in the worst of nets, but how little that affects the myriads that escape.

Chagrined at the course events were taking, the Government instituted a prosecution for conspiracy against the leading members of the Land League. At one time the prosecution seemed likely to become of historical importance, but as all eyes were upon the composition of the jury, and as it was fairly constituted, no agreement could be arrived at, and the jury was discharged without recording a verdict. It was freely stated that ten out of the twelve jurymen were in favour of acquittal. The result deprived the whole affair of any great interest, but there are two points worthy of special record. During the trial, the accused were not required to be present in court, and those of them who were members of Parliament appeared in Parliament at Westminster while the trial was getting towards its close in Dublin. Prior to the trial, the Lord Chief Justice of Ireland spoke in open court in such a prejudiced manner against the accused that an opinion became general that he had disqualified himself for trying the

case, and he expressed his concurrence in that opinion by formally declining to do so. That judge's avowed prejudice was in striking contrast with the conduct of Irish judges of an earlier date, who held office before the official corruption (we have so often had to refer to) became such a scandal.

The non-agreement of the jury was almost unanimously prognosticated by the press, and it is more than likely that the Government anticipated the same result. It seems probable that such anticipation finally decided the Government upon another course. As Boycotting had progressed from month to month, Conservative speakers and writers became much more clamorous for something in the nature of the Peace Preservation Act, the memory of which they so much cherished. For a time the Liberal press stoutly opposed coercive measures ; but as the result of the prosecution of the Land League got more and more hopeless, the word seemed to have been passed, and the portion of the Liberal press professing to be in the secrets of the Government began to carefully and insidiously pave the way for the coercion that was at length openly advocated by both parties in England.

In addition to clamouring for coercive legislation, the Conservative leaders demanded the assembling of Parliament much earlier than usual. An autumn session, or a meeting before Christmas, was what they suggested. The avowed motive for meeting earlier was to pass a Coercion Act. All this clamour prevailed so far as to induce the calling together of Parliament more than a month earlier than usual, which was, in itself a concession to the Conservatives that could not fail to undermine the moral stability of the Government.

Early in January, 1881, two royal commissions completed reports on the subject of Irish land law. The first of these commissions was appointed in August, 1879, to report upon the state of agriculture throughout the kingdom. In consequence of the peculiar circumstances of Ireland, this commission prepared a preliminary report relating to that country only. This report, so far as a majority of the commission were concerned, was most valuable as admitting evils that no previous legislation had effectively dealt with. But, with regard to remedies, the suggestions, to say the least, were exceedingly vague and romantic, in very general and inconsequential terms. Another portion of the report, signed by a dissenting minority, agreed with the majority that numerous farms were too small, and that population was congested in

certain localities so as to suggest migration or emigration, and public means of assisting in such removals. But the minority sought chiefly to impress upon their readers the failure of the Act of 1870, especially as it had permitted evasion of its provisions by arbitrary increase of rent, against which the Act did not provide. This minority also reported that the sense of insecurity, and the chronic fear of rent being raised, were greater evils than the smallness of the farms or over population, and, in general terms of some ambiguity, the adoption of the three F's was recommended in a qualified manner. To these joint reports Mr. Bonamy Price added a memorandum which (omitting everything else) condemned the three F's as being subversive of the rights of landlords.

The other commission was appointed in July, 1880, to inquire into the working of the Land Act of 1870. This report contended that tenant right was an inherent principle in Ireland, but that it had been evaded, and its evasion sanctioned by the courts. This had been the case especially with estates sold under the Incumbered Estates Acts, which estates, when offered for sale, were usually announced in conjunction with the statement that "The rental is capable of considerable increase on the falling in of leases;" the word "leases" referring generally to annual tenancies. The report said that "this hint has often been acted on, and rents greatly above the old level—in some cases probably above the full commercial value—have been demanded and enforced, with the natural result, in a few years' time, of utterly impoverishing the tenants." Thus we have it formally recorded that what the Union Parliament thought was going to regenerate Ireland, had resulted in "utterly impoverishing the tenants." The report, for the most part, cut up the Act of 1870, root and branch, and testified to its worthless character, the mild terms being, "insufficient," "inoperative," "inadequate," and the like polite phrases, clearly implying that the Act of 1870 was all rubbish. As to the "Bright clauses" of that Act, the report said they had "totally failed of effect," and the supplementary Act of 1872, the report said, with admirable candour, "had no better success than the principal Act." Could condemnation any further go? With reference to the poorest tenants whom the other commission would expatriate, this latter report objected to the expatriation, and recommended their employment upon reclaiming of lands. The very proper final recommendation, with reference to the Act of 1870, was "to repeal it." The principles of the three F's were sug-

gested as bases for a new Act. The O'Connor Don, and Mr. W. Shaw, M.P., added separate memorandums, generally concurring, but offering amended suggestions to the effect that there should be a thorough Land Act or none. Mr. A. M'Kavanagh added a memorandum expressly opposed to peasant proprietorship.

With the experience of the autumn—with the result of their abortive prosecution before them—with the clamour of the Opposition dinning in their ears—with the reports before mentioned in their hands, neither of which hinted at any necessity for coercion—ministers appeared at the opening of Parliament on the 6th of January, 1881.

Everybody interested in Ireland anxiously looked out for the Queen's speech. When it appeared it contained the following passages with reference to Ireland :

" I grieve to state that the social condition of the country has assumed an alarming character. Agrarian crimes in general have multiplied far beyond the experience of recent years. Attempts upon life have not grown in the same proportion as other offences, but I must add that efforts have been made for personal protection, far beyond all former precedent, by the police, under the direction of the Executive. I have to notice other evils yet more widely spread ; the administration of justice has been frustrated, with respect to these offences, through the impossibility of procuring evidence, and an extended system of terror has thus been established in various parts of the country which has paralysed almost alike the exercise of private rights and the performance of civil duties.

" In a state of things new in some important respects, and hence with little of available guidance from former precedent, I have deemed it right steadily to put in use the ordinary powers of the law before making any new demand. But a demonstration of their insufficiency, amply supplied by the present circumstances of the country, leads me now to apprise you that proposals will be immediately submitted to you for entrusting me with additional powers, necessary in my judgment not only for the vindication of order and public law, but likewise to secure, on behalf of my subjects, protection for life and property and personal liberty of action.

" Subject to the primary and imperious obligations to which I have just referred, I continue to desire not less than heretofore to prosecute the removal of grievances and the work of legislative improvement in Ireland as well as in Great Britain.

"The Irish Land Act of 1870 has been productive of great benefits, and has much contributed to the security and comparative well-being of the occupiers of the soil."

[The Commissions emphatically reported that it had *not* been productive of great benefits, and had *not* contributed to security and well-being.]

"In some respects, however, and more particularly under the strain of recent and calamitous years, the protection which it supplied has not been found sufficient either in Ulster or the other Provinces.

"I recommend you to undertake the further development of its principles in a manner conformable to the special wants of Ireland, both as regards the relation of landlord and tenant, and with a view to effective efforts for giving to a larger portion of the people by purchase a permanent proprietary interest in the soil. This legislation will require the removal, for the purposes in view, of all obstacles arising out of limitations on the ownership of property with a due provision for the security of the interests involved."

There was a speech! The Queen had good sense enough to stay at home and let somebody else read it. God save the Queen! for there was little chance of ministers saving her.

The Union had been enforced for just eighty years, plus six days. Eighty years of Union laws had vainly endeavoured to rule, and it was then authoritatively declared of these laws that the state of Ireland was "a demonstration of their insufficiency." That was followed by a statement that was unfounded, and by a recommendation of perseverance in all the sorry efforts that had so often proved to be abortive, and must of necessity prove to be again. Eight times ten can never make more or less than eighty, however the figures may be shuffled. The Premier, with all his presumed knowledge of figures, seemed to think that by another vigorous and excited shuffling, he could bring out some other result.

That was not enough. On the very same date as that of the afore-said speech, Mr. Gladstone explicitly said in the House of Commons, after eighty years of Union efforts to rule Ireland, that the failure of the Union was so overwhelming that the country appeared with "shame and humiliation in the face of the civilized world." Next day, Mr. Tottenham, an Irish Conservative—a leading champion of the Union—followed up Mr. Gladstone by saying that the Union "had resulted in reducing Ireland to a pandemonium of crime, out-

rage, and chaos, which was a disgrace to a civilized nation, and had made England the laughing stock of the civilized world." All this met with the completest concurrence on both sides of the House.

The parliamentary reports of the day tell us that—

"Mr. W. E. Forster, who was received with cheers, said—I beg, sir, to give notice that to-morrow I will move for leave to bring in a Bill for the better protection of person and property in Ireland. ('Oh, oh,' by the Home Rulers, and cheers on both sides of the House.) I beg to give notice that I shall also move to bring in a Bill to amend the law with reference to the carrying and possession of arms and for the preservation of the public peace in Ireland. (Cheers, and Home Rule murmurs of dissent.)

"Mr. Parnell (amid loud cries of 'Order')—I beg to give notice that I shall oppose—— (Renewed cries of 'Order, order.')

"Mr. Gladstone—I think it necessary to give notice with reference to the intimation just made by my right hon. friend, that I shall on Monday next move the following resolution, 'That the introduction and several stages of any Bill or Bills referred to in Her Majesty's Speech for entrusting her Majesty with additional powers in Ireland shall have precedence of all orders of the day, and of all notices of motion from day to day until the House shall otherwise order.' (Cheers.)

"Mr. Parnell—To move the following amendment to the Address in reply to the Speech from the Throne : 'That we humbly beg to assure your Majesty that we are convinced that peace and tranquillity in Ireland cannot be promoted by a suspension of the constitutional rights of the Irish people.' (Cheers from the Home Rulers.)"

It was evident, from the character of Mr. Gladstone's notice, that the intention and expectation of the Government was to get the Irish coercion business over rapidly somewhat after the manner of that of 1866, previously described.

The debate on the amendment to the address, moved by Mr. Parnell, as at first clamoured down, as before reported, lasted for eleven nights, an experience without precedent, so that it was not until January the 24th that the Chief Secretary could propose his threatened bill "for the better Protection of Person and Property in Ireland." The debates on the various stages of that Bill were so prolonged that, notwithstanding new rules introduced for the purpose of silencing Irish members, the boasted United Parliament proved to be such an unwieldy, unmanageable machine, that it took it till the 2nd of March to

pass an Act of only three pages—a period of eight weeks really devoted to passing that one measure—a clear third of an entire session. We give a copy of the Act in our Appendix.

Mr. Cowen embodied the case of the Land League most admirably when he said :—" How did it happen that young men without great means, without the influence of social rank and the help of material resources, wielded a power and authority said to be greater than that of the Government in Ireland? They wielded it because they personified and expressed the aspirations, the antipathies, the sufferings, and the hopes of a people. The Government said they meant to deal generously with Irish grievances. It was not the deed but the spirit in which it was done, not the gift but the spirit in which it was given, that the Irish people took note of; and the Government had prefaced the performance of their generosity by as hard and harsh a Coercion Bill as had ever been introduced into that Legislature, while things had been said and done during the discussion of the Bill, the memory of which would not soon die out."

The Bill, like the Act, was made retrospective. When this was pointed out the only precedent quotable was the Westmeath Act, previously described, which emanated from a similar Government. Before the Bill passed its retrospective action, at first unlimited, was made to extend no further back than the 1st of October 1880, far enough back to include men who had said "Buckshot Forster" and many other aggravating things, no doubt.

In the course of the debate, the Bill was contended for, on the ground of its necessity, and, that having led to questions of its probable lack of utility, much controversy arose upon that point. We have already adduced some evidence, and there is plenty more which Mr. Gladstone could not have adequately weighed, or he would not have fallen into the weakness of ascribing the increase of outrages to the additional number of Land League meetings. When there was no Land League or anything of the kind, events took very much the same course. In all years of unusually active discontent, outrages have set in with the winter, have increased in number as nights got longer and darker, have continued numerous as long as the darkest nights and lack of employment continued, have declined with the approach of spring and have comparatively ceased with the coming of long days and better employment. That is an intelligible order of things which has always been independent of Land Leagues, and Parliaments, and all other

vain babblings. The accident of Parliament almost always meeting in February has led to very erroneous conclusions. Many a time almost the first business has been to pass one of these preposterous Acts in reply to a tragical winter. It has been usual for such Acts to come into force about March, just when outrages were declining from natural causes. The decline has often been noticed during the passage of such an Act, and it has been usual to ascribe such decline to the exhibition of parliamentary firmness, and the subsequent restoration of comparative peace to the terrors of the Act just passed.

To the credit of that Parliament and the Liberal party, the second reading, though carried by a majority of 359 to 56, indicated that (allowing for numerous vacant seats) about two hundred, by their silence, refused to sanction such an Act, and in all the other divisions the fewness of the supporters of the Bill was so marked as to show that an immense majority of the House were sick and tired of the government blunder. The division on the second reading conclusively proved that, but for the support of the opposition, the government would inevitably have been beaten, a majority of its professed supporters refusing to follow it. A large proportion of the English members who voted in the minority were men of wealth, or otherwise beyond suspicion of being under the shadow of government patronage and tuft-hunting. Perhaps that may suggest the key to the motives of some of those who had not the courage to vote at all, no key being required to the transparent obligations of those "Liberals" who supported the government on the plea of party loyalty.

When it was rumoured during the recess that the Government contemplated coercive proposals, the colleagues of Davitt on the Land League Executive were anxious that he should remain in America; but he insisted on returning and sharing whatever danger might be imminent. His first speech after his return, at a meeting of the Land League, was a strong condemnation of acts of outrage and violence. He was a highly effective speaker; clear, vigorous, and close in reasoning, and with a spontaneous flow of expressive and picturesque phraseology. It has been said that he was evicted from a house in the village of Straide, in his fifth year; during the agitation he spoke at a Land League meeting held in the same village, and the platform was erected on the spot where the house had stood in which he was born. His popularity in Ireland was almost as great as that of Mr. Parnell; his visits to some of the county towns being the occasion of

general holidays, torchlight processions, addresses from the municipality, and the like. In one of his speeches, he spoke of the Chief Secretary as "Buckshot Forster," on account of a recommendation by that minister to the military to use buckshot in case of firing upon a crowd.

One of the conditions of Davitt's ticket of leave was, that he was to report himself periodically to the police. As his whereabouts was thoroughly known, this became a mere idle form which he did not comply with. That technical excuse was taken advantage of, and he was suddenly arrested in Dublin, conveyed to London, taken before a magistrate at Bow-street, and condemned to serve the remainder of his dreary period of imprisonment. An inquiry in the House of Commons, as to the ground of his re-imprisonment, was met by a contemptuous silence. The incident led to an extremely stormy sitting of the House, and the public were left to infer that his only offence was daring to originate the nickname of "Buckshot Forster."

All this time the promised Land Bill was kept back. The Irish members were constantly blamed for the delay, but it is evident that the responsibility of that rested wholly and solely with the Government. The only indication of its character was the Queen's speech, where the principles were enunciated again, which the Commissioners reported had already "utterly impoverished the tenants," and the only determination expressed was to do again what the Commissioners reported had "totally failed of effect." Besides that, it was stated in the House by the Chief Secretary, with peculiar significance, at a critical period of the Coercion debate, that there was every prospect of the Land Bill passing and becoming law.

After that, the passage of what was familiarly called an Arms Bill, was a foregone conclusion. Compared to its predecessor, it was of little importance, merely claiming to be a Peace Preservation Act, with most of the provisions respecting arms contained in the similar Acts we have before quoted, and likely to be about as effectual.

Such is a glance at the doings of a Government in difficulties in December, and following months, 1880-1; from the unprejudiced point of view, occupied by a neutral and disinterested Englishman. The episode is suggestive of a quotation from Charles Dickens, that seems to fit many of the incidents exactly. It is needless to add that such a quotation is not commended to the notice of public men who are past hoping for, but, to the average disinterested reader, who may

find profitable food for reflection in applying to the period the eloquent rhapsody of one who is so well entitled to be numbered among the Great Dead.

“ Oh late-remembered, much-forgotten, mouthing, braggart duty, always owed and seldom paid in any other coin than punishment and wrath, when will mankind begin to know thee ! When will men acknowledge thee in thy neglected cradle, and thy stunted youth, and not begin their recognition in thy sinful manhood and thy desolate old age ! Oh ermined Judge whose duty to society is, now, to doom the ragged criminal to punishment and death, hadst thou never, man, a duty to discharge in barring up the hundred open gates that wooed him to the felon’s dock, and throwing but ajar the portals to a decent life ! Oh prelate, prelate, whose duty to society it is to mourn in melancholy phrase the sad degeneracy of these bad times in which thy lot of honours has been cast, did nothing go before thy elevation to the lofty seat, from which thou dealest out thy homilies to other tarriers for dead men’s shoes, whose duty to society has not begun ! Oh magistrate, so rare a country gentleman and brave a squire, had you no duty to society, before the ricks were blazing and the mob were mad ; or did it spring up, armed and booted from the earth, a corps of yeomanry full grown ! ”

CHAPTER LIII.

THE LADIES' LAND LEAGUE.

LATE in the time and space at our disposal comes another item for review. When the government policy of coercion was announced, it was freely said (whether truly or not) that the intention of the government was to seize and imprison the leading members of the Land League, and so to extinguish its operations. To meet this, the sister of Mr. Parnell and her associates determined to form a "Ladies' Irish National Land League," with offices at 39 Sackville Street, Dublin, to carry on their work, thus daring the government to imprison them also. At the same time other objects were stated to be—

"In order to carry on effectively the Relief of Evicted Families, and Families of persons imprisoned for their connection with the Irish National Land League, and to provide for the comforts of persons imprisoned under the Habeas Corpus Suspension Act."

This was also followed by the establishment of a branch in London, dating from the Westminster Palace Hotel, and promoted prominently by Mrs. A. M. Sullivan, the president, and Mrs. Charlotte M'Carthy, treasurer ; Miss Hannah Lynch being the Secretary. From these ladies we learn that—

"The strong desire of Irishmen living in England, and the generous offers of many sympathetic Englishwomen, to aid in the work of mercy and succour, have led to the formation of an auxiliary association, of Ladies in London, to co-operate with their sisters of the Irish Organisation.

"Most of the persons arrested under the Coercion Act will be humble peasants whose imprisonment will mean not merely sorrow and trial, but in many cases, destitution and death for their families, if help like this do not reach them. The sufferings of the prisoners will be cruelly aggravated by the thought that their wives and children are without food or shelter, evicted from their homes, or flung into the workhouse.

“These men will not be criminals, ever sentenced or heard before the tribunals of the law. They will never be allowed to see their accusers, or to prove their innocence. They will be secretly seized without notice or warning and swept into prisons without investigation or trial, without opportunity of explanation or defence. There they will be left to grieve for months, probably years, over their ruined homes and starving wives and children.

“We appeal to every woman in England, who has a heart to feel for victims of affliction and oppression, to aid us in alleviating the sorrows and miseries which threaten so many of our sex. Naturally we appeal especially to the women of Irish birth or blood, whom God has blest with secure and happy homes, but we have good assurance that many a kindly Englishwoman's heart and hand will be with us in our work. It is essentially a woman's mission, and no more pure and noble duty could engage us than that of lightening the anguish of the prison, or dispelling the darkness of the desolate home.”

CHAPTER LIV.

THE PROBLEM AND ITS SOLUTION.

THE Irish Problem propounds itself in the preceding review of the leading facts and events of Irish political history. The solution of the problem, with the assistance of all that has gone before, need not be long.

It will have become abundantly apparent to every reader who has considered the foregoing pages, that Catholicism has little or nothing to do with the troubles of Ireland. The very general impression of average Englishmen that Catholicism is at the bottom of the mischief is an error arising out of associations, from which the best informed have emerged, and from which, let us hope, our readers are, at least, emerging. Since the Reformation there has never been a time when Catholicism can be said to have flourished in Ireland. It has certainly subsisted, and is indebted for that to the fact that it is a familiar symbol of the distinction between the people and their conquerors. As a symbol, it is respected, not so much for its religious as its political significance.

The emancipation of the Catholics, if it can be called so, and the disestablishment of the Irish Protestant Church, have deprived Catholicism of much of its political significance. In defiance of the efforts of Orangemen, religious animosities are dying out by mutual consent. Those animosities, however serious they may have been, have never been as desperate as many Englishmen suppose, as witness the fact that, with the exception of O'Connell, the most trusted and followed political leaders, from Emmett to Parnell, have been Protestants, and we have seen that O'Connell was a leader, not because he was a Catholic but because he was intensely an Irishman. As soon as his Catholicism overshadowed him as an Irishman his leadership was disavowed.

The events of 1880 point in the same direction. Protestant and

Catholic leaders are recognised without the slightest reference to their religion. The priests in most districts are respected, not because they are priests but because they evince an active sympathy with the political aspirations of the people. Wherever priests have ventured to thwart such aspirations, their sacred office has not availed them. More than one instance has occurred where a priest, for opposing, and only mildly opposing, the popular movement, has been hustled and expelled without ceremony. The Archbishop of Dublin, jealous of Mr. Parnell, indicted a pastoral to his clergy, denouncing Mr. Parnell's proceedings. The reply of the people was a public reception of Mr. Parnell, a few days afterwards, exceeding anything of the kind that had gone before.

One of the former bones of contention and invidious distinctions intended to mark Catholics was the separate Catholic oath for members of Parliament, previously referred to.

All distinctions between Protestants and Catholics, as well as between Christians and Jews, with reference to Parliamentary oaths, were abolished by the Parliamentary Oaths Act of 1866, which prescribes for all religious persons except Quakers the following uniform oath. "I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria ; and I do faithfully promise to maintain and support the succession to the Crown, as the same stands limited and settled by virtue of the Act passed in the reign of King William the Third, intituled, 'An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject,' and of the subsequent Acts of Union with Scotland and Ireland. So help me God."

All persons who are Quakers, or who are for any other cause entitled to make affirmation instead of taking an oath, may substitute for the word "swear" the words "solemnly, sincerely, and truly declare and affirm" ; and such persons may omit the words "So help me God" ; without substituting any word or words in their place. Every person returned to Parliament who sits during any debate after the Speaker is chosen, or who votes in any division, before having made oath or affirmation, is liable to a penalty of £500 for every offence ; and, as to the House of Commons, conviction vacates the seat as though the member were dead.

The foregoing and all the evidence shows that Catholicism is an insignificant accident in Irish affairs that must be dismissed from any attempt to arrive at a real solution of the Irish Problem.

It is commonly supposed that, in Ireland, very much is thought of the infliction of the state schools, and, from time to time, some overflowing bishop indulges in a denunciation of what he is not ashamed to call godless education. The accusation is an absurdity, as implying that omnipresence depends upon an Act of Parliament. But the Irishman does not agree with such a dictum. He cares very little about it. He does not believe that the schools are godless, so that consideration does not influence him. He does agree with his bishop for denouncing the schools, but for a very different reason.

A few years sufficed to mature what is called the national system, which was designed by the late Lord Derby and carried through Parliament by his Government. The term "national" may have been thought the best by which to designate a mixed, unsectarian system of elementary education ; but it was regarded as a satire by the Irish people, who saw that the principal object of the system was to denationalise the youth of Ireland. The text-books, compiled under the authority of Her Majesty's Commissioners, were written so as carefully to exclude Irish History. In the "Fifth Book of Lessons"—the most advanced reading book employed, a third of which is devoted to History—the name of Ireland occurs just twice : first, where we learn that Henry II. invaded Ireland and "received the homage of its Kings ;" and, secondly, where it is mentioned, in a chronological table, that in 1800 occurred "the Union of Great Britain and Ireland." Throughout the whole book there is not a single reference to anything which should stir the fire of patriotism in the breast of an Irish boy, or wake within him one spark of national enthusiasm. On the contrary, Irish history is shamefully perverted in order to make the Irish youth ashamed of his country, and to hide the cruel selfishness of her alien rulers. For example, we are told in this "Fifth Book" that the manufactures and commerce of Ireland were destroyed "by unlawful combinations" of her own artisans ; but there is not a word about the laws passed in the reign of William and Mary against the Irish woollen manufactures, and for the avowed object of destroying them. The first edition of the "Fourth Book of Lessons," through some oversight of the censor, contained Campbell's spirited lyric, "The Downfall of Poland," and Scott's noble lines, "Breathes there a man with soul so dead," also some lines by Miss Balfour, "To the Irish Harp," and a prose description of the Lakes of Killarney. It soon appeared to Archbishop Whately and his fellow-commissioners that such reading

was dangerous in its suggestiveness ; accordingly, a revised edition was soon published with the obnoxious passages expunged !

It will easily be comprehended that such a suppression of wholesome history in schools is calculated to stimulate in succeeding life a thirst for history that may possibly be unwholesome. Boys in English schools generally get such a thorough sickener of English history that they often eschew it ever afterwards. It seems the reverse in Ireland ; and the unwisdom of the authorities in this respect is very apparent. Therefore, in contemplating reforms in Irish national schools, there need be no fear that the difficulty (if any) need be religious. That may be dismissed.

Religion and education, as O’Connell said, only excite in Ireland mere “puffs” of sentiment, like the playing of gentle breezes on a summer’s day. But there is an ever-present, all-pervading sentiment in Ireland, entertained by professors of all religions alike, that cannot be excluded from any school, or controlled by any restriction of school teaching. It possesses young and old, rich and poor. It reigns in the counting-house ; in the gay emporium of the opulent Dublin trader ; in the boat of the fisherman battling with the western waves ; in the quiet workshop of the skilled artizan ; in the dreary diggings amongst the most desolate wastes ; in the forge of the town mechanic ; in the heart of every farmer and peasant throughout the wide expanse of agricultural Ireland. It never merely puffs. It is never of less account than a strong breeze ; often blowing a gale ; sometimes gathering into a fierce tornado ; but ever-present ; a living and absorbing principle and incentive to action. That sentiment is embodied in the magic word “Repeal.”

Now we come to the problem, indeed. Repeal of the Union is an intense and inextinguishable desire of the Irish, inevitably arising out of the history reviewed in the preceding pages. The attentive reader needs not to be reminded that, so far from the sentiment dying out, it has increased in force, as the period of the Union has increased in years, and that its increase is almost in a geometrical ratio, until it is hard to find an Irishman who is not either demoralized by Union patronage or an ardent repealer. None know it better than English commercial men who travel habitually in Ireland. It is cropping up constantly. Its existence cannot be ignored. It cannot be dismissed. It is the master key to the solution of the problem.

The English statesman who is prepared to avail himself of that key,

and to solve the problem with it, will erect to himself a monument of fame that will endure for ages. It is the grandest opportunity in the whole visible field of English politics. Such a statesman need not hesitate for a moment about the desire of the Irish ; he may feel certain of the concurrence of the English.

The time is already ripening for it. Most Englishmen, clinging to their traditional ruggedness and all the rest of their excellent qualities, will laugh, and some will be indignant at the suggestion. But let them exchange their laughter and indignation for a little sober study. Let them read the speech of Peel, and imagine how far off emancipation seemed then, and with what startling rapidity it followed. Let them read the speech of Wellington, and, giving him credit of knowing what he was talking about, let them learn from him that a whole nation cannot be indicted or resisted beyond a certain point, and let them put side by side with that the declaration of Judge Lawson, speaking on the North-East Circuit on December 13, 1880 :

“I have known this country now for nearly half a century, and never in the course of my experience do I remember any state of things at all parallel to that which is now existing. A system of intimidation on a large scale, perfectly unconcealed and openly avowed, is practised, and those concerned in the administration of the law, from the very judge on the bench down to the bailiff serving an ejection process, are all sought to be made subject to this system of intimidation. Is that a state of things to be tolerated?”

Certainly not, “O wise and upright judge ! How much more elder art thou than thy looks !” But how are you going to deal with a difficulty that has never ceased to grow those fifty years and many a year before ? Apparently by thy advice, the Government can see no remedy but that insisted upon by Shylock, the “pound of flesh nominated in the bond.” Shylock had the exultation of his moment’s anticipation of revenge, but we rather think he did not get quite the best of it in the end. In what respect does the Government’s case differ from Shylock’s ?

Let it be considered, again, how many were there in England who, on the eve of Mr. Gladstone’s motion, expected that the Irish Church would be “put an end to,” as the Act afterwards so unceremoniously expressed it, within half a century ? and yet it was virtually abolished in half a year by the election that sanctioned the proposal.

Events travel faster than anticipations, however airy the latter may

be. Judge Lawson is another witness that the Union has become intolerable. The only statesmanlike course is to dissolve it. With such statesmen as these of 1880-1 have proved themselves to be, it seems scarcely likely that any of them are wise enough for their generation. Still less is their Parliament fitted for such a work, for it is of no use arguing with men who indulge in such senile talk as "the dismemberment of the empire." Notions of that kind clear away before the facts like mist before a summer sun. But where men evidently prefer blissful ignorance to the wisdom they deem folly, the facts cannot get at them, and too many of them, poor fellows, have not much facility for mastering the facts. The wave may be rolled back this time, but that is a poor assurance against another rising tide, the wave of which no human foresight can anticipate the direction of. While the wave recedes, let it be supposed that repeal is impossible. What is the alternative?

Just as emancipation ruined O'Connell's political prospects, so there is a way of breaking the wave of repeal the next time it rises. The Irish, with all their sentiment, are practical in the application of their sentiment. The primary hope and expectation of repeal is to revolutionize the system of land tenure. Whether it would fulfil the expectation is very doubtful ; but that is their business. The experience of the last eighty years does not entitle us to say we know or can do better than they ; but, during the interval, if there must needs be an interval, we may at least do the best we can.

There are two ways of setting about that means of solving the problem. One is, to do as little as possible, so as to salve over our consciences, and keep the Irish quiet : the other is to do as much as we can, and so to really erect a breakwater that might last for a century or so. Like most partial proposals it suggests the consideration that the wisdom that will suffice to avoid the consequences of a catastrophe, will generally be equal to preventing the catastrophe altogether. In like manner, the man who is equal to a really adequate land bill would probably go for repeal and have done with it.

The chief difficulty is the whole manner in which so much Irish land is held. Thus, to take an extract, by way of example of many :

" Sir W. Raleigh got some 42,000 acres (exclusive, as usual, of waste, bog, and mountain), out of the plunder of the Earl of Desmond's territories. A London judge's clerk, named Richard Boyle, who had graduated in Ireland as a forger, a horse-thief, and conniver of mur-

der, was raised to the Deputy Escheator-ship of Munster, about 1590. Raleigh being in prison and straitened, Boyle offered him £1,500 for his 42,000 acres, which being accepted, he paid Raleigh £500 on account, and swindled him out of the balance. Later on, Boyle, having now become Earl of Cork, got from James I. patents for all his plunder—the parchments of which, his historian mentions, covered a hall forty-eight feet long by three feet wide. He married all his children into English aristocratic families, and the Duke of Devonshire in this way got his County Cork and Waterford Estates, out of which he draws some £30,000 a year, for land which cost his ancestor Boyle, £500. His Grace also claims the fishery rights of the Blackwater from the town of Lismore to the sea at Youghal (twenty miles), by virtue of James I.'s patent to the horse-thief, and in the course of eleven years of litigation, and nearly a dozen trials, has put the unfortunate fishermen of the district to thousands of pounds expense to assert his claims to the river. This unfortunately, pending the decision of the House of Lords, he has now succeeded in doing, having lately obtained a majority of the judges in the Irish Appellate Court, with 'historic conscience' tender enough to recognise his precious 'patent.' If the poor fishermen ever raise funds to take the case to the House of Lords, they will, for certain reasons, doubtless find a similar sensitiveness to 'patent rights' pervading the noble breasts of the noble fellows of His Grace in their Lordship's chamber."

The Devon Commissioners referring with admirable candour to the manner in which Irish Land was settled, bluntly called it "confiscation." That is the plain truth of it. Nearly all the present freeholds of Irish lands are based upon confiscation. That being admitted, a thorough-going statesman must not be too squeamish about a word. He must take a leaf out of the Report of the Devon Commission, and apply the obvious moral, because nothing short of a revolutionary measure has any chance of satisfying the Irish. If he is not prepared to go so far he must vacate the position of thorough going. If he is so prepared the question will necessarily occur to him that he had better go for repeal at one bound. The alternatives are interminably perplexing. They involve argument in a circle of prodigious circumference, which we must leave to any statesman who is thorough going enough to encompass.

With reference to a modified scheme, such as looked tolerably hopeful in the middle of 1880, the hopefulness has alarmingly diminished.

Ministers have so lost their heads, and have gone such unparalleled lengths in the wrong direction that it seems impossible for them to get on the right road again, if ever they were on it at all. If they can get on it, and accomplish the work they have undertaken to accomplish, it may heal the wounds they have inflicted. But they have gone to such excess in coercion that it will take all that much more in proportion of concession to square the account.

Judging from the Queen's speech, their programme falls far short of the requirements of the occasion. The mere amendment of the Act of 1870 is so obviously insufficient, after what the commissioners have reported, that the very suggestion indicates helplessness. The reliance that is indicated upon the further unsettlement of land, when such unsettlement is proved to have been suicidal, suggest the gloomiest reflections.

The programme seems to indicate a dogged determination to proceed upon all the previous lines. Many English people imagine that those lines are correctly laid down, but let us glance at the results.

The whole quantity of land in Ireland, reported as available for produce in 1880 was 15,358,000 acres. Of this quantity no less a surface than 10,434,310 acres was merely grazing ground, of more or less value, called permanent pasture. This pasture of course produces far less than cultivated or arable lands, so that the test of prosperity is the quantity of land in actual cultivation. The comparisons come out in the following order :—

	1858.	1880.
Cereals (acres)	2,748,380	1,766,424
Potatoes, turnips, and green crops	1,617,531	1,247,359
Meadow and clover	1,424,495	1,909,907
Total	5,790,406	4,923,690

From which we gather the following :

Decrease under cereals	981,956	acres.
Decrease under green crops	370,172	„
Total decrease	1,352,128	„
Increase under meadow and clover	485,412	„
Net decrease	866,716	„

From this we learn that while the most productive land is lapsing into less productive, the less productive is lapsing into wild land of very inferior productiveness.

In 22 years, 1,352,128 acres have gone out of the most productive cultivation, and 866,716 acres have gone out of cultivation altogether.

And yet we have ministers, with these figures put into their hands, persevering in the course that has led to the progressive ruin such figures clearly imply. It is chiefly owing to the mania for converting arable into grass land.

One of the paragraphs of the extract we have given from Sir Richard Griffith we have put entirely in italics to mark its significance in this connection. It points to the reason for the conversion of arable into grass. That reason is what is plausibly called the saving of labour, or, in other words, rendering the labouring population useless—depriving them of the power of absolutely *creating* the means of their livelihood. The result is that, upon a grazing farm, the saving of labour is so great that, though the produce is much less—though there is much less food produced for the country at large—the profit is so enhanced that the tenant, while making a greater net profit himself can well afford to pay a higher rent. Thus the ends of the landlord and tenant are served, and while they thrive by such means the people are exterminated, and the country at large suffers directly and indirectly from an extremely serious diminution of produce. This brings into strong light the unfortunate fact that the interests of individuals with reference to what are called “all ordinary notions of property,” are sometimes and often inimical to the interest of the community. The deplorable policy of the Government and of the most rampant of the party in opposition to the Irish, is to rely solely upon individual cupidity for the accomplishment of every end, and in Ireland we have the most vivid illustration of the disastrous consequences. It is a system of levelling up the few and trampling down the many—of aggrandising the capitalist at the cost of exterminating a whole nation. That policy seems so hopelessly engrafted upon the policy of men in power that no amendment can be expected from such a quarter.

The schemes hitherto initiated for transferring the ownership of land, have tended precisely in the same direction. The normal tendency has been not to enable the tenant to buy himself in, but to enable some land jobber to buy him or his landlord out. Absolutely free trade in land can have no other tendency in Ireland. It is not likely that an occupier of limited means can compete with a capitalist who urgently needs an investment for his idle money. Unless schemes for the transfer of land in Ireland are accompanied by con-

ditions compelling the purchaser to occupy the land himself, no good can come of such schemes, but only ruin and disaster. Is the government and the party capable of such a proviso?

There is another phase of this problem. Land tenure in Ireland is of such absorbing interest, that the destination of the produce is apt to be lost sight of. The magnitude of the exportation of live animals from Ireland to England is shown in the following figures. In 1877 the declared value was £17,068,500; in 1878 it was £18,124,056; in 1879 it was £14,588,305; or close upon the worth of fifty millions sterling in three years. In addition to this, there is a constant large export of corn of which there are no returns, neither are there of poultry, dead meat, bacon, cheese, butter, eggs, and sundries. Together with the live animals, the very lowest estimate at which the aggregate can be put is twenty-five millions per annum, or, in four years, a hundred millions sterling.

Political economy affects to justify this; "all ordinary notions of property" sanction it; but how can it be approved from an Irish point of view? The exportation is not voluntary but compulsory. It arises out of the complications created by the Union. The increase of pasture farms stimulates it; for, as they drive out the home consumers, there is no other market, from a commercial point of view, but by means of exportation. Merchants and dealers on both sides are thus bartering upon the exterminating process. The Government professes to leave such matters to "supply and demand;" a very pretty doctrine in theory, but often an atrocious one in practice, and so it is with reference to Ireland.

If it could be shown, with reference to the whole population of Ireland, that the produce exported was a surplus over and above home requirements, then it would be a perfectly legitimate process, a source of great wealth to all concerned. But it is not so. When a farmer, sufficiently fed upon his own produce, has a surplus to sell, and sells it to advantage, the transaction is an unmixed benefit; but when the same farmer has barely enough for himself, and the law comes down upon him and forcibly deprives him of his legitimate means of subsistence, leaving him with not enough to eat, or perhaps nothing whatever, the aspect of affairs is very different. Such is the normal state of things in Ireland. The starvation does not arise from natural causes, but from conditions artificially created. From this point of view, as before referred to, there has never been a real famine in Ire-

land this century—semblances of it and all the fearful evils of a famine in practice, have always been created by compulsory exports.

It may be imagined that Free Trade, that has thus been turned to such cruel account against Ireland, has found its compensation in free imports. Such imports in 1870 were :—Wheat, 6,716,534 cwts ; Maize, 5,738,138 cwts.

And the following articles, also in hundredweights. Barley, 115,279 ; oats, 9,670 ; bacon and hams, 23 ; beef, 79 ; pork, 3 ; preserved meats, *nil* ; butter, 11 ; cheese, 54 ; eggs, 162 *great* hundreds ; potatoes and fish, *nil*.

It has to be noted that the corn is in hundredweights (not quarters), and therefore it, as well as every other item, exhibits a contemptible total, not enough to make an appreciable difference as compared with the enormity of the exports. At the same time the importation of oxen (store for feeding)—was 1,148, and sheep and lambs, 10 !

So thoroughly ashamed do the Government authorities appear to be concerning this matter, that the returns have not been published by the Board of Trade ever since 1870.

From this it will be seen that all the cant that has been indulged in for so many years, alleging the over-population of Ireland, is utterly delusive and false. If ample production of the means of subsistence is really to be taken as a criterion, then Ireland is rather under than over populated, or else such exports would be impossible. This is a point concerning which one of the most serious errors has been assiduously cultivated in England. It is merely one out of many reasons why the Irish problem needs to be solved upon entirely new lines, to make room for which the old lines must be obliterated. Have we statesmen who have the genius and courage to pursue and carry out such a beneficent policy ?

APPENDIX.

A BILL (as Amended in Committee and on consideration as Amended) to make Temporary Provision with respect to Compensation for Disturbance in certain Cases of Ejectment for Nonpayment of Rent in parts of Ireland. (Prepared and brought in by Mr. William Edward Forster, Mr. Attorney General for Ireland, and Mr. Solicitor General for Ireland.)

July 22, 1880.

WHEREAS, having regard to the distress existing in certain parts of Ireland arising from failure of crops, it is expedient to make temporary provision with respect to compensation of tenants for disturbance by ejectment for nonpayment of rent in certain cases :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. An ejectment for nonpayment of rent for the recovery of the possession of a holding valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not more than thirty pounds, situate wholly or partially in any of the poor law unions mentioned in the schedule hereto, or where any electoral division is specified in the said schedule situate wholly or partially in such electoral division, and which shall be commenced after the passing of this Act and before the thirty-first day of December one thousand eight hundred and eighty-one, or which shall have been commenced before the passing of this Act, and in which any judgment or decree for possession shall be executed after the passing of this Act and before the thirty-first day of December one thousand eight hundred and eighty-one, shall be deemed and declared, by the court having jurisdiction to hear and determine land claims in and for the county in which such holding is situate, to be a disturbance of the tenant by the act of the landlord within the meaning of the third section of the Landlord and Tenant (Ireland) Act, 1870, notwithstanding anything contained in the said Act,—

If it shall appear to the court—

(1.) That such nonpayment of rent by the tenant is owing to his inability to pay, caused by such distress as aforesaid ; and

(2.) That the tenant is willing to continue in the occupation of his holding upon just and reasonable terms as to rent, arrears of rent, and otherwise ; and

(3.) That such terms are refused by the landlord without the offer of any reasonable alternative.

2. The acceptance of compensation for disturbance under this Act shall be a bar to any claim, under the provisions of the twenty-third and twenty-fourth years of Victoria, chapter one hundred and fifty-four, or otherwise, to be restored to the possession of the premises included in the ejectment for nonpayment of rent : Provided always, that if it appears to the Court that any person other than the tenant has a specific interest in the holding, notice of the proceedings shall be given to every such person, and so long as any such person may be entitled to redeem the holding no acceptance of such compensation shall be valid, nor shall the amount awarded, or any part thereof, be payable, unless every such person shall consent thereto, or the Court, having regard to all the circumstances of the case, shall so direct.

3. The amount of rent which may be allowed by any landlord to accrue during the period of the operation of this Bill shall not be reckoned against him in calculating the arrear of rent which might in any case of ejectment for nonpayment of rent be sufficient to subject him to damages for disturbance under the ninth section of the Landlord and Tenant (Ireland) Act, 1870.

4. This Act may be cited for all purposes as the Compensation for Disturbance (Ireland) Act, 1880, and shall be read and construed for all purposes, including the making of rules for carrying into effect the provisions of this Act, as one with the Landlord and Tenant (Ireland) Act, 1870.

[The Poor Law Union included in the schedule were in the counties Cavan, Clare, Cork, Donegal, Galway, Kerry, King's County, Leitrim, Limerick, Longford, Mayo, Meath, Roscommon, Sligo, Tipperary, Waterford, and Westmeath.]

AN ACT for the better Protection of Person and Property in Ireland.

March 2, 1881.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

I. (1.) Any person who is declared by warrant of the Lord Lieutenant to be reasonably suspected of having at any time since the thirtieth day of September one thousand eight hundred and eighty been guilty as principal or accessory of high treason, treason-felony, or treasonable practices, wherever committed, or of any crime punishable by law committed at any time since the thirtieth day of September one thousand eight hundred and eighty in a prescribed district,

being an act of violence or intimidation, or the inciting to an act of violence or intimidation, and tending to interfere with or disturb the maintenance of law and order, may be arrested in any part of Ireland and legally detained during the continuance of this Act in such prison in Ireland as may from time to time be directed by the Lord Lieutenant, without bail or mainprize ; and shall not be discharged or tried by any court without the direction of the Lord Lieutenant ; and every such warrant shall, for the purposes of this Act, be conclusive evidence of all matters therein contained and of the jurisdiction to issue and execute such warrant, and of the legality of the arrest and detention of the person mentioned in such warrant.

(2.) Every warrant whereby any person is declared to be reasonably suspected of any crime other than high treason, treason felony, or treasonable practices, shall state the character of such crime. A copy of the warrant of arrest shall be given to each person arrested under this Act on the occasion of his arrest.

(3.) Any person detained in pursuance of a warrant under this Act shall be treated as a person accused of crime and not as a convicted prisoner, subject to the special rules for the time being in force with respect to prisoners awaiting trial : Provided that the Lord Lieutenant may from time to time, if he shall think fit, make regulations modifying such special rules so far as they relate to persons detained under this Act. Any regulations made by the Lord Lieutenant under this provision shall be laid before both Houses of Parliament within fourteen days after the making of the same, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament, and when Parliament is not sitting such regulations shall within fourteen days be published in the Dublin Gazette.

(4.) A list of all persons for the time being detained in prison under this Act, with a statement opposite each person's name of the prison in which he is detained for the time being, and of the ground stated for his arrest in the warrant under which he is detained, shall be laid before each House of Parliament within the first seven days of every month during which Parliament is sitting, and when Parliament is not sitting such list shall be published in the Dublin Gazette within the first seven days of every month.

(5.) On the expiration of a period of three months after the arrest of each person detained under this Act, and so from time to time on the expiration of each succeeding period of three months while such person is detained, the Lord Lieutenant shall consider the case of such person and decide thereon ; and the decision of the Lord Lieutenant in that behalf shall be certified under his hand, or the hand of the Chief Secretary to the Lord Lieutenant, to each Clerk of the Crown, by whom a copy of the warrant under which such person shall be detained shall be filed in his public office, under this Act, and each such Clerk of the Crown shall record such decision by indorsement on the copy of the warrant so filed in his office.

(6.) No person discharged from detention under this Act shall be so discharged at a greater distance than five miles from the place whereat he was

first arrested under this Act, unless he shall himself prefer to be discharged at a place nearer to the prison wherein he was last detained.

(7.) "Prescribed district," means any part of Ireland in that behalf specified by an order of the Lord Lieutenant for the time being in force, and the Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time make, and when made, revoke and alter any such order.

2. The enactments contained in the third section of the Relief of Distress (Ireland) Act, 1880, as amended by the ninth section of the Relief of Distress (Ireland) Amendment Act, 1880, shall, so far as relates to the families of persons for the time being detained under this Act, continue in force during the continuance of this Act.

3. (1.) Any warrant or order of the Lord Lieutenant under this Act may be signified under his hand or the hand of the Chief Secretary to the Lord Lieutenant, and a copy of every warrant under this Act shall, within seven days after the execution thereof, be transmitted to the Clerk of the Crown for the county in which was the last known place of abode of the person arrested under such warrant, and be filed by the said clerk of the Crown in his public office in said county; and a further copy of every such warrant shall, within seven days after the execution thereof, be transmitted to the clerk of the Crown for the county of the city of Dublin, and be filed by him in his public office in that city; and each such clerk of the Crown shall furnish a copy of such warrant free of charge, certified under his hand to be a true copy, on demand, to any relative of the person arrested under such warrant or his solicitor.

(2.) The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time make, and when made revoke and alter, an order prescribing the forms of warrants for the purposes of this Act, and any forms so prescribed shall when used be valid in law.

(3.) If any member of either House of Parliament be arrested under this Act the fact shall be immediately communicated to the House of which he is a member, if Parliament be sitting at the time, or if Parliament be not sitting, then immediately after Parliament reassembles, in like manner as if he were arrested on a criminal charge.

(4.) Every order under this Act shall be published in the Dublin Gazette, and the production of a printed copy of the Dublin Gazette purporting to be printed and published by the Queen's authority, containing the publication of any order under this Act, shall be conclusive evidence of the contents of such order, and of the date thereof, and of the same having been duly made.

(5.) The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being.

4. This Act shall continue in force until the thirtieth day of September one thousand eight hundred and eighty-two, and no longer.

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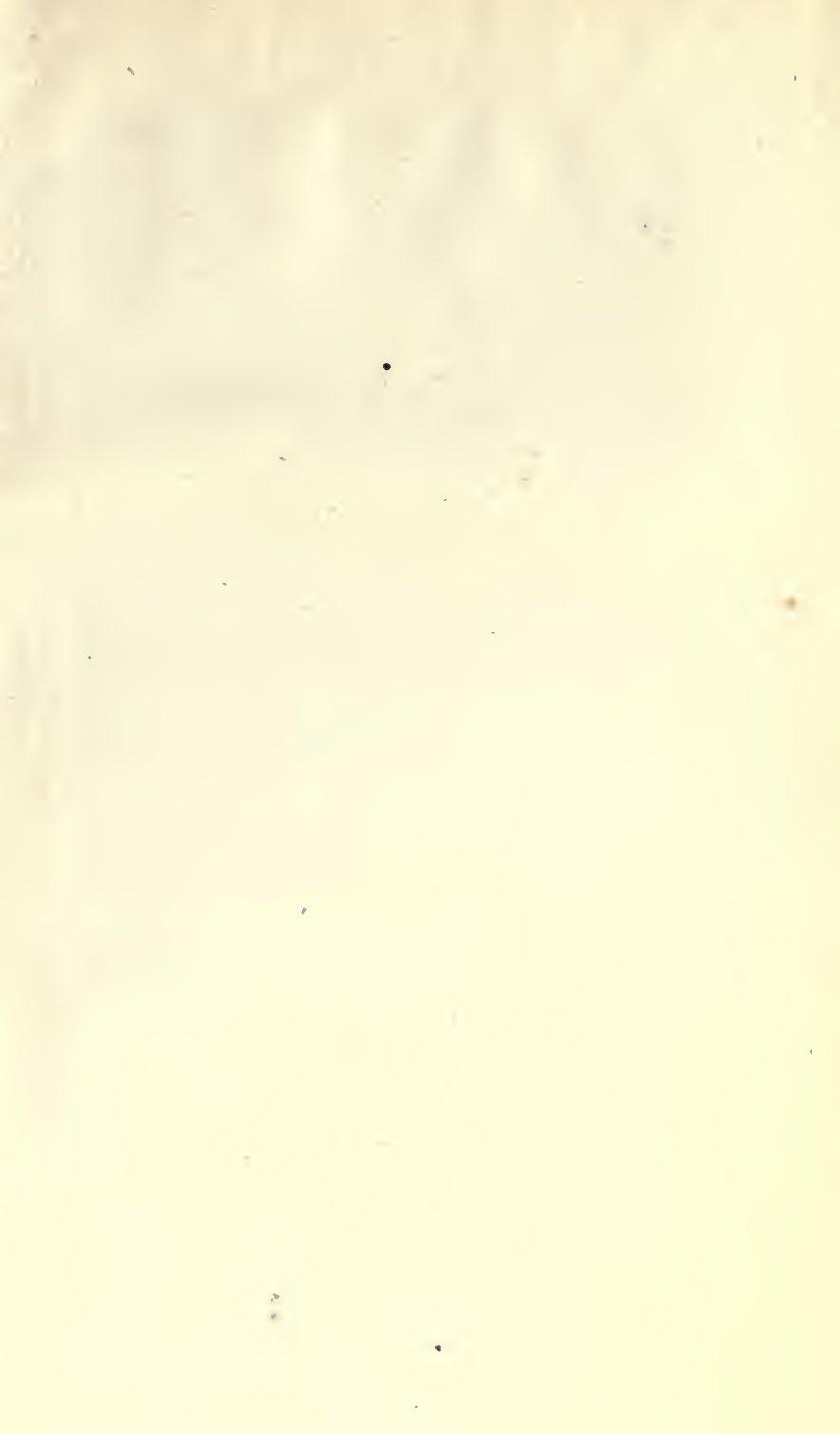
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